

Gerlach	Lungren, Daniel	Rogers (MI)
Gilchrest	E.	Ros-Lehtinen
Gillmor	Mack	Roskam
Gingrey	Manzullo	Royce
Gohmert	McCarthy (CA)	Ryan (WI)
Goode	McCaul (TX)	Sali
Goodlatte	McCotter	Saxton
Granger	McCrery	Schmidt
Graves	McHenry	Sensenbrenner
Hall (TX)	McHugh	Sessions
Hastert	McKeon	Shadeeg
Hastings (WA)	McMorris	Shays
Hayes	Rodgers	Shimkus
Heller	Melancon	Shuster
Hensarling	Mica	Simpson
Herger	Miller (FL)	Smith (NE)
Hobson	Miller (MI)	Smith (TX)
Hoekstra	Miller, Gary	Stearns
Hulshof	Moran (KS)	Sullivan
Inglis (SC)	Musgrave	Tancredo
Issa	Myrick	Terry
Jindal	Pence	Thornberry
Johnson, Sam	Peterson (PA)	Petri
Jones (NC)	Petri	Tiahrt
Jordan	Pickering	Tiberi
Keller	Pitts	Turner
King (IA)	Poe	Upton
King (NY)	Porter	Walberg
Kingston	Price (GA)	Walden (OR)
Kirk	Pryce (OH)	Walsh (NY)
Knollenberg	Putnam	Wamp
Kuhl (NY)	Radanovich	Weldon (FL)
Lamborn	Ramstad	Weller
Latham	Regula	Westmoreland
LaTourette	Rehberg	Wicker
Lewis (CA)	Reichert	Wilson (NM)
Lewis (KY)	Renzi	Wilson (SC)
Linder	Reynolds	Wolf
LoBlando	Rogers (AL)	Young (FL)
Lucas	Rogers (KY)	

## NOT VOTING—25

Bachus	Eshoo	Neugebauer
Bono	Fattah	Nunes
Boren	Hunter	Ortiz
Boswell	Kline (MN)	Paul
Calvert	Larson (CT)	Pearce
Camp (MI)	Marchant	Souder
Cardoza	Millender	Whitfield
Davis, Jo Ann	McDonald	Young (AK)
Engel	Moore (WI)	

□ 1037

Mr. GRAVES changed his vote from "yea" to "nay."

Messrs. FRANK of Massachusetts, DELAHUNT, ADERHOLT, and TIM MURPHY of Pennsylvania changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BOSWELL. Mr. Speaker, on rollcall No. 132, I was on a visit to Walter Reed. Had I been present, I would have voted "yea."

## GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 720, the Water Quality Financing Act of 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

WATER QUALITY FINANCING ACT  
OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 229 and rule XVIII, the Chair declares the House in the Committee of the Whole House on

the state of the Union for the consideration of the bill, H.R. 720.

□ 1037

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 720) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes, with Ms. SOLIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Louisiana (Mr. BAKER) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairwoman, I yield myself 4½ minutes and rise in strong support of H.R. 720, the Water Quality Financing Act of 2007.

It has been a long time coming to this point. We have labored within the Committee on Transportation and Infrastructure for at least 11 years, maybe just a few months longer than that, to bring forth a bill to replenish the State revolving loan funds so that municipalities can continue the work of aggressively expanding their capacity to handle wastewater, treat that wastewater, return it to the receiving waters in good quality.

We have been delayed over the last 6 Congresses, not by unwillingness within our Committee on Transportation and Infrastructure, but because of external factors within the House. Now that those external factors have been removed, we are bringing this bill to the floor with good and sustained bipartisan support. I appreciate very much the support of Speaker PELOSI, Majority Leader HOYER scheduling this legislation early on in the session; and I particularly appreciate the participation and cooperation of the gentleman from Florida (Mr. MICA), our ranking member, the gentleman from Louisiana (Mr. BAKER), the ranking member of the Subcommittee on Water Resources for the long participation that we have had and the splendid agreement and working relationship we had between our staffs on the Democratic and Republican sides, with one notable exception that will be debated at length here and which we debated extensively in subcommittee and full committee.

I especially want to express my great appreciation to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). For years now, she has worked as our ranking member on the Water Resources Subcommittee, learned the issues, mastered the subject matter, and is now Chair of the Water Resources Subcommittee and has played a leading role in bringing this legislation to the floor.

The bill started out as \$20 billion to replenish State revolving loan funds; but due to concerns by the Office of Management and Budget and the Congressional Budget Office, we scaled the legislation back to a \$14 billion bill, paying for it through an additional revenue source, as within the authority of this committee. The CBO has said that municipalities in raising municipal bonds that are tax exempt will cause a loss in revenue to the Treasury, and, therefore, the revenue in this bill has to be offset by another source. We have done that in a bipartisan agreement, and this bill is at \$14 billion, fully paid for. We will not have the debate that we have had on two other bills that were extraneous to the subject matter because we have covered this issue.

Unfortunately, the administration has steadily reduced funding for the State revolving loan fund over the past several years, and in the budget request for 2008 has a \$200 million reduction, down to \$687.5 million. That is totally unacceptable.

There was a time when we were investing \$6 billion a year in Federal funds, matched by State and local dollars, to build sewage treatment facilities, raise them to tertiary treatment, removing nutrients, adding oxygen, returning clean water to the receiving waters. We are not doing that any longer. We are not keeping pace with the pressure on the Nation's water and wastewater systems nor our sewage treatment systems.

The only debate that we really have is, What shall be the wages paid to those who work on building these facilities? And I listened with great interest and concern to the debate on the rule. The manager of the rule said that cities will start looking to Washington for these projects to take care of their water system needs. That is almost the same language that Dwight Eisenhower used in 1960 to veto the Federal Water Pollution Control Act amendments when he said: Pollution is a uniquely local blight. Federal involvement will only impede local efforts at cleanup.

That was wrong then, it is wrong now, it was wrong when Richard Nixon vetoed the Clean Water Act of 1972.

We have had a partnership of State and local government. They have invested billions of dollars at the local level. We need to continue that partnership into the future. This bill will do that.

Madam Chair, I reserve the balance of my time.

Mr. BAKER. Madam Chair, at this time I would yield such time as he may consume to the ranking member of this Committee on Transportation, Mr. MICA.

Mr. MICA. Madam Chairwoman and Members of the House, normally I would be supportive of this legislation. I have tried to work in a bipartisan manner with Mr. OBERSTAR and other members of the committee on both sides of the aisle.

The underlying bill is basically a good bill. It does provide funding assistance to State revolving funds. However, the bill as reported out of the committee, I voted against it. I will vote against it again if it contains a Davis-Bacon provision. We will have an opportunity with an amendment offered by Mr. BAKER and Mr. KING that would repeal the provision that is put in the bill as it came from the committee.

Currently, 18 States have no prevailing wage law. My State, Florida, and 17 other States will be dramatically impacted. And, actually, what will happen is the opposite of what we will want to have happen: instead of having more money, we will have less money for these important projects.

This is an unprecedented expansion of Davis-Bacon requirements as they relate to the Clean Water Act. In fact, this is a mandate, and I call it "The Mother of All Unfunded Mandates," which is in fact sort of an earmark to Big Labor interests and a payback to Big Labor. It is unfortunate that, again, those that will suffer are the States and local governments and the intent of this legislation, which is to provide wastewater funds.

And, finally, I hate to say it, but I have a statement from the administration. The President will veto the legislation if it contains the Davis-Bacon provisions.

So I urge Members to support an amendment by Mr. BAKER and Mr. KING to strike that language from this legislation, and let's pass legislation without this onerous provision.

Mr. OBERSTAR. Madam Chair, I now yield 2½ minutes to the gentlewoman from Texas, the Chair of the Subcommittee on Water Resources, Ms. EDDIE BERNICE JOHNSON.

□ 1045

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, thanks to the chairman of our committee.

I rise in strong support of H.R. 720, the Water Quality Financing Act of 2007.

This essential legislation reauthorizes the Federal grant program for capitalizing State revolving funds at \$14 billion over the next 4 years, while providing States with additional flexibility in the types of projects they finance.

The bill also provides States with increased flexibility in the financing packages they can offer to cities and local communities, including principal forgiveness, negative interest loans, or whatever other financing mechanism might be necessary to assist communities in meeting their water quality infrastructure goals.

The flexibility afforded by this bill will go a long way in helping many of our communities that are least able to afford necessary improvements to their water infrastructure systems.

This legislation also encourages communities to consider innovative and al-

ternative technologies for addressing ongoing water quality concerns, including the so-called "green infrastructure," and provides financial incentives for implementing these technologies that may result in greater long-term environmental benefits.

In my State, few Federal programs have proven as effective as the Texas Clean Water State Revolving Fund program in realizing congressional goals for all citizens. The key to its success has been the partnership between the Texas and the U.S. Environmental Protection Agency working together in blending State and Federal resources to provide sustainable funding sources.

This funding source provides a significant financial incentive for communities to construct, rehabilitate, and enhance wastewater systems that support the goals of the Clean Water Act.

Since its inception in 1987, the State revolving fund has successfully awarded communities approximately \$4.3 billion in low-interest loans to finance 472 water infrastructure projects across the State.

These projects, which serve approximately one-half of the Texas population and treat about 2.1 billion gallons per day of wastewater, provide direct environmental and public health benefits by protecting our water resources through the reduction of pollutants entering the water.

The projects are made economically viable because Texas customers realize a direct cost savings by assessing the State revolving funds at rates below market rates.

Madam Chairman, it has been 20 years since Congress last authorized appropriations for the Clean Water State Revolving Fund, and almost 10 years since the Committee on Transportation Infrastructure Subcommittee on Water Resources first investigated the growing need for it.

Fortunately, we have overcome one hurdle that has prevented this legislation from coming to the floor over the past 8 years, and I applaud the leadership of the Chairman of the Committee on Transportation and Infrastructure, Mr. OBERSTAR, as well as the committee staff for their good works in moving this legislation out of Committee and on to the House floor.

Now, Madam Chairman, it is past time for this Congress to complete its task in sending this legislation to the President.

I urge my colleagues to strongly support this legislation; it's time we make our domestic infrastructure programs a priority again.

Mr. BAKER. Madam Chairman, at this time I claim 2 minutes.

Madam Chairman, I wish to express my appreciation to the gentlelady and to the Chair for their diligent work in this area. Certainly, it is an arena in which there is a clear and established, well identified need for which there are too few resources available. It is also a problem which will require many, many years of dedicated work to ensure the delivery of a safe water infrastructure in the years ahead.

I, regretfully, have observed that the debate which will occur over the estab-

lishment of Davis-Bacon in this legislation is the one point around which great controversy has emerged.

In my own State, I can speak with authority as to our circumstance. Pursuant to the devastation of Katrina and Rita, we find our communities struggling to get back on their feet, and our infrastructure has been badly damaged. Water systems, pumping stations, sewage systems have been destroyed; and it will take, unfortunately, years for many communities to attain the status that they once had prior to the storms' impact.

It is clear to us that, although the American people and this Congress have been very generous to our State in making resources available, those resources are going to be stretched to their maximum extent possible; and yet we still have incredible needs that will yet be unmet. For this reason, we feel, at least in the view of our own State's interest, that the application of the Davis-Bacon requirement, artificially increasing the cost of construction of these important infrastructure projects, will only ensure that we are years longer in achieving the necessary recovery.

To state it quite simply, to spend more and accomplish less is not something we in Louisiana are comfortable in pursuing. For that reason, I join with my ranking Member, Mr. MICA, in expressing grave concerns over the inclusion of Davis-Bacon.

In the normal operative circumstance, when funds are made available from the State revolving account to a State for a particular project, Davis-Bacon has applied to that first-round funding. This bill will now make Davis-Bacon provisions extend to all subsequent utilizations of those funds, and that is the expansion to which we strongly object.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Madam Chairman, I thank the gentleman for yielding, the chairman of the committee, who has done such an extraordinary job for decades now in taking care of the environment and particularly providing for clean water and sewer treatment for our country, so critical to our public health and to the health of our country.

I want to, at the outset, however, make an observation, that I am not surprised, very frankly, I tell my friends on the other side of the aisle, that they are concerned about Davis-Bacon provisions in this bill. After all, of course, most of those who have risen voted against raising the minimum wage in this country from \$5.15 to \$7.25 over a 2½-year period.

If you don't believe in raising the minimum wage from \$5.15, it is not surprising to me that you are not for paying a prevailing wage to workers on public projects.

I have observed in the past, of course, how much cheaper projects would be if we didn't pay our laborers at all, and we just forced them to work. But hopefully we will not pursue, ever, a policy like that.

I want to commend the chairman of the Transportation and Infrastructure Committee, Mr. OBERSTAR of Minnesota, for all of his hard work and leadership on this important legislation reauthorizing the Clean Water State Revolving Fund for the first time in 13 years.

It is interesting that our friends on this side of the aisle have been in charge of this Congress and bringing legislation to the floor for the last 12 years. So since they took charge, they have not reauthorized this program; again, not because of the observations, as has been pointed out, they didn't think we needed to have a clean water program, but because they didn't want to pay prevailing wages.

I want to thank Chairman OBERSTAR for his leadership, and I want to thank my dear friend, EDDIE BERNICE JOHNSON of Texas, for her very important leadership as well.

As you know, we have passed two other bills this week reauthorizing sewer overflow control grants, H.R. 569 and H.R. 700, related to combined sewer overflow grants to States for aging sewers. We know that is a problem throughout this country. That handles storm water and sewage water, and H.R. 700, which is a pilot project for getting clean water to rural communities. We know that we focus on urban communities, but it is very important for us to also make sure that our rural communities have clean water.

I believe that this bill, as has been indicated, has bipartisan support, notwithstanding the difference on prevailing wage.

Madam Chairman, the fact is a clean safe water supply is vital in communities, both large and small, rural and urban, all across this Nation. We are not talking about a luxury, a perk or a non-necessity. Clean water, safe water is absolutely indispensable to the good health of all Americans, as well as our way of life and our continued prosperity.

Just consider, my colleagues, that our Nation's farmers and fishermen and manufacturing and tourism industries rely on a clean water supply, and their activities contribute hundreds of billions of dollars to our economy every year.

Our Nation, as has been pointed out, now faces a clean water crisis. As the Environmental Protection Agency warned in a recent report, and I am quoting from the administration's Environmental Protection Agency: "Without continued improvements in wastewater treatment infrastructure, future population growth will erode away many of the Clean Water Act achievements."

And I want to congratulate Mr. BAKER and Mr. OBERSTAR for their

leadership in trying to confront that crisis. One key reason for the clean water crisis is that much of the water infrastructure in our Nation is rapidly approaching or already exceeding its projected life.

So I am proud today, Madam Chairman, that the new House majority, with the support of many Republicans, will take an important step toward addressing our Nation's water needs by reauthorizing the Clean Water State Revolving Fund and authorizing \$14 billion over the next 4 years to ensure safe water for our families and for our people. And I congratulate both sides of the aisle for working towards that objective.

The fund is the primary source of Federal funding for clean water, helping to provide low-interest loans to local communities for construction of wastewater treatment facilities and other water pollution abatement projects.

In fact, since 1987, when the fund became the major Federal source of clean-water funding, it has provided States with more than \$50 billion for more than 18,600 low-interest loans to local communities.

The unfortunate truth is, the recent Congresses allowed the Clean Water State Revolving Fund to expire in 1994 and failed to reauthorize it because, as I have said, and as we have seen on the floor, the concern about Davis-Bacon, the concern about paying a prevailing wage, wages that I think are fair and appropriate for public projects.

In recent years, the former majority cut funding for the funds involved in this project by 34 percent, and the President has proposed cutting it even further.

Madam Chairman, it is a new day in this, the people's House. It is long past time for us to act on this important legislation.

The new House majority is absolutely committed, under the leadership of JIM OBERSTAR, who has been one of the giants on this issue, for, as I said, decades, not days, not weeks, not months, not years, but decades he has been in the leadership of this effort.

I urge my colleagues on both sides of the aisle, in a bipartisan way, to reauthorize this critically important piece of legislation.

Mr. BAKER. Madam Chairman, at this time I would like to extend to the gentleman from Florida, a valued member of the Committee on Transportation, the Honorable Congressman CONNIE MACK, 2 minutes.

Mr. MACK. Madam Chairman, I thank the gentleman for the time, and I also want to say that I appreciate the way the committee has worked on a very important issue.

I think all of us understand and recognize that the Clean Water State Revolving Fund is so important to all of our communities. And let's face it, we work for the people back home.

But it is concerning to me that when you have such a positive piece of legis-

lation that can have such a tremendous effect on people's lives back in our districts, that you would add the Davis-Bacon requirements into this.

A few minutes ago we heard from the majority leader that he finds it strange that over here you will have people voting against a minimum wage, and then voting against Davis-Bacon.

Well, it is kind of simple. We believe that, or at least I believe, that competition, the free market, should dictate these projects, not government; that government shouldn't be coming in saying this is how much you are going to pay your employees, or this is how much you are going to have to pay for projects.

And including the Davis-Bacon requirements into this only puts, it makes it so that States like mine have a hard time voting for a piece of legislation that will add, will bring the cost of the construction projects up.

At a time when our colleagues on the other side of the aisle are talking about being fiscally responsible, what they are really committed to, as we heard earlier, their commitment is to raising taxes and spending more money.

□ 1100

I would like to see us, in the future, when we have such a good piece of legislation, one that almost everyone can support, that we do not get in the habit that it appears to be now of payback of some sort to labor and to the unions. It just isn't right. The American people deserve better.

Mr. OBERSTAR. Madam Chair, I now yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

We are talking about a Federal mandate here. It is good policy. We need to protect our critical clean water resources. But this is a Federal mandate put on our local communities.

The Republicans, for 12 years, have failed to reauthorize this law and have consistently cut funding to our communities in the face of this unfunded Federal mandate. The backlog has grown from \$300 to \$500 billion over the next 20 years to maintain, rehab and, yes, do some new construction for population growth.

We have here a very aptly named "SAP" from the White House. The White House says \$14 billion is excessive. Let's see, that is about 3 to 5 percent of the demonstrated need in this unfunded mandate on our communities, and the White House says, 3 to 5 percent, that's excessive. And then they go on with this ideological claptrap: "It will distort market signals by discouraging utilities and their consumers from moving toward full cost pricing, and they will delay undertaking projects." My community is under consent agreements under law, under Federal law to do this. They can't delay. What a bunch of claptrap. They are trying to take care of Wall

Street here and not Main Street. Wall Street wants to be able to issue these bonds in the private sector. They don't want the government to help these communities. They can make a little bit of commission there.

And they want to drive down the wages of the workers. Why do you hate the middle class so much? Why don't you think people should earn a living wage? What claptrap. "The market should set wages altogether. We shouldn't have a minimum wage." Come on, what planet are you people from? Who do you represent? Do you represent the special interests, or do you represent average and working families in this country?

Look at the communities in my district. Coburg, a thousand people; \$95 debt retirement, plus user fees. Not exactly a wealthy community. Sweet Home, 7,500 people, a depressed timber community in the mountains, \$220 a month if they don't get some help for their fees. Gardner, 340 people on the coast; \$2.5 million for 340 people. And the White House says helping them would be excessive and it would distort the market.

Why do you hate the middle class and our communities so much? And guess what, businesses are going to suffer, too, if we don't make this investment.

Mr. BAKER. Madam Chair, at this time, I would yield 2 minutes to the defender of the working man and hometown America, Congressman TIM MURPHY.

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman for yielding.

This week the House passed a number of bills which are important to my municipality in the 18th Congressional District in Pennsylvania. This Water Quality Financing Act, which will authorize \$20 billion over the next 5 years for the Clean Water State Revolving Fund, is an important bill. It offers increased flexibility for local communities to meet their water quality infrastructure goals.

We take for granted the quality of our water, but it was not always so. The life expectancy of Americans increased from age 47 in the early 1900's to a life expectancy of 75 by the end of the century. The number one reason was the public health benefits of clean water and efficient sewer systems.

Decades ago, Southwestern Pennsylvania's boroughs and townships built their sewer lines with combined sanitary and storm water in the same system. What made sense at the time is now an antiquated and overburdened system. Wherever there is significant rain, it leaves untreated sewage flowing into our rivers and streams, recreating a health hazard.

The EPA then mandated the communities must fix these problems, but now local communities are strapped with massive costs. In Allegheny County, Pennsylvania, alone repair costs exceed \$3 billion. The towns then pass on the cost to homeowners. Many citizens are seniors on fixed incomes who simply

cannot afford to fix the mistakes of the past and still pay for their bills today. Without funding, many of my towns just can't make it.

For years we have tried to help by providing annual funding assistance in a piecemeal manner. We need a comprehensive plan to provide a steady stream of funds to fix these problems, meet the standards to clean up our streams, support the public health and not pass on the whole burden of the inherited problem to current homeowners.

After working on this problem for years, both sides of the aisle have worked on this problem for years. I am pleased that we have some opportunities to offer some solutions; the solutions that I recognize are going to require some more crafting with the House and Senate.

I commend my colleagues who are going to work on this to recognize that we all need to work together because we are all concerned about working men and women. We are all concerned about people, without assigning them to any classes, and together we will work to solve these health problems of our water infrastructure in America.

Mr. OBERSTAR. I yield 3 minutes to the distinguished gentlewoman from California, an original cosponsor of this bill, Mrs. TAUSCHER.

Mrs. TAUSCHER. Madam Chair, I want to thank the chairman and Subcommittee Chairwoman JOHNSON for the opportunity to speak, and for their leadership in support of the Water Quality Financing Act. And as has been said, this legislation will provide \$14 billion to deserving communities and water agencies.

The State Revolving Fund continues to be one of the most efficient and practical Federal funding programs for water reconstruction and infrastructure projects in local communities.

I have been a long supporter of reauthorizing the Clean Water SRF and infusing much-needed funding into our Nation's clean water infrastructure. In the last four Congresses, I have joined with my colleague, former Congresswoman Sue Kelly, to offer legislation to reauthorize the SRF program. Unfortunately, the Republican-controlled Congress never acted on this important legislation.

Today's legislation finally gives us the opportunity to do the right thing. It is imperative that Congress continues our partnership with communities to fund Federal clean water mandates in the most cost efficient manner possible. As a loan fund and not a grant program, the Clean Water SRF promotes fiscal responsibility without denying communities the opportunity to refurbish, rehabilitate or rebuild new water infrastructure. Whether used for funding wastewater treatment or non-point source pollution control, the SRF is a useful tool in providing cleaner, safer water in our communities.

The EPA has identified billions of dollars in water infrastructure needs.

It's time that we act responsibly and reauthorize this important program. As stewards of the Clean Water Act, we have the responsibility to provide for infrastructure necessary to ensure its proper implementation. Today's legislation gets us back on track.

Madam Chair, there will be much discussion about the inclusion of the Davis-Bacon prevailing wage language in this bill. In my view, the verdict is in. Protecting Davis-Bacon and the prevailing wage laws it supports are a national priority. This is evidenced by over half the States, including mine, California, passing their own prevailing wage laws. And importantly, Madam Chairman, it is clear a majority of the House supports Davis-Bacon.

I look forward to joining a bipartisan majority of the House today in taking a strong stand and rejecting any attempt to limit the application of Davis-Bacon protections.

I urge all of my colleagues to support H.R. 720.

Mr. BAKER. Madam Chair, it is my pleasure to yield 2 minutes to a gentleman who is a defender of the taxpayer's best interest, Congressman PENCE.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. I thank the gentleman for the compliment.

Today the House is considering the Water Quality Financing Act introduced by the gentleman from Minnesota. And I wish to commend him for his ongoing leadership in this area of the law and the infrastructure needs of the American people.

The bill does do many good and important things, and I believe it is well intended. But I want to urge my colleagues to oppose this bill because I have great concerns about the cost, but also, most especially, about the expansion of the Davis-Bacon prevailing wage requirement to construction projects funded under this bill.

H.R. 720 authorizes \$16 billion in discretionary spending over 5 years, new programs that contain a significant expansion of the Clean Water State Revolving Fund. And therein applies the Davis-Bacon prevailing wage law.

Since 1995, the Davis-Bacon requirement was not applied to construction projects funded through these revolving funds; however, this bill would reinstitute this requirement. Many of the primary taxpayer watchdog organizations in America are opposing this bill on this basis alone, National Taxpayers Union, Citizens Against Government Waste, just to name a few.

The Davis-Bacon law was signed into law in 1931 during the Great Depression in order to inflate labor rates for workers on government projects. But, Madam Chair, the Great Depression is over and the time for expanding the prevailing wage for projects like these is gone. An honest day's work should be met with an honest day's pay, not an artificial government-mandated

wage rate. Let's say yes to the sacred right of contract. Let's say yes to the best deal for the American people on public projects. Let's say no to the expansion of Davis-Bacon and to the projects under this legislation. I urge a "no" vote among my colleagues for that reason.

Mr. OBERSTAR. Madam Chair, I yield myself 10 seconds to simply assure the gentleman from Indiana that the bill is fully paid for. And I appreciate his fiscal concerns, but the bill is fully paid for with offsets that the committee has identified and has reduced the cost of the bill from \$20 billion to \$14 billion and the time frame from 5 years to 4 years. And I appreciate the gentleman's kind words about my service.

I now yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding. And congratulations on a well thought of, well put forth piece of legislation, and I strongly support this legislation.

I want to address the Davis-Bacon issue I have heard so much about in the last few days. I represent one of the more rural, disadvantaged districts, and we should not be taking away Davis-Bacon. To take away Davis-Bacon because a district is small or rural or may be considered disadvantaged as some people say is just purely hogwash. Davis-Bacon is good for rural America. Davis-Bacon is good for urban America. Davis-Bacon is good for all Americans.

In my congressional district, which is comprised of mostly seniors and veterans and households with income around \$38,000, my district can't afford not to have Davis-Bacon. My district needs to keep wages up, not lower our wages. There should be no retreat, no surrender on Davis-Bacon. We should stop this madness. We come here, and it is always like a race to the bottom: Who can do it for cheaper? Who can do it for lower? Who are we affecting? The men and women who I represent and all the men and women who built this country. We should pay them a decent wage so they can afford a decent standard of living. Take health care. If you are going to try and do health care in this country, you better have \$48,000 a year minimum income because the insurance premiums are \$12,000 to \$14,000. Davis-Bacon allows you a fair wage so you can afford health insurance so you can provide for your family.

When we take a look at this, Davis-Bacon provides nothing more than quality work for decent pay. We have got to stop the race to the bottom, do not drive down wages. There should be no retreat, no surrender. Support Davis-Bacon. Support this bill, H.R. 720. I compliment the chairman; it is a great piece of legislation.

I have been here now for a while. We are finally going to put money back into the water system, to our wastewater treatment systems to clean up our environment, to clean up public

health so our people can have a safe quality of life, but they can't do it without an adequate income. Support this legislation. Reject the Baker-King shallow argument about rural America needs a special exception in order to afford it. Rural America supports this legislation. We cannot afford to walk away from Davis-Bacon. We must have Davis-Bacon in this legislation.

Mr. BAKER. Madam Chair, at this time I would like to yield 2 minutes to Congressman KING.

Mr. KING of Iowa. I thank the gentleman from Louisiana for yielding, and for his leadership and his hard and diligent work in committee.

I also compliment the chairman from Minnesota who has a gracious approach to this and generally a reasonable approach to this issue. But this Davis-Bacon issue is something where I meet a philosophical divide. I don't know if there is another Member of this Congress who has live lived under Davis-Bacon, earned Davis-Bacon wages and paid Davis-Bacon wages, but I can tell you I am one who has done both. And it goes back through 28 years of the construction business; 1,400 and some consecutive weeks of tracking wages and paying the thing called "prevailing wage" and knowing prevailing wage is not prevailing wage. It is always union scale. And the reason for that is because no one reports the prevailing wage for fear they will be organized to be become a union and they will have to pay a union scale.

I have difficulty with this because I hire my people year round. We make sure that they get a good living wage for the full year. We provide health insurance. We provide retirement benefits. And when you pay people a union scale, then you can only plug them on a machine for the hours of running that machine. You can't afford to have them grease it or haul it or fix it.

□ 1115

So I know employers that will work 16 hours a day in order to keep the machines supported so their union scale man can climb in the seat of it. This is a distortion of the free enterprise system.

I will argue also that this bill has an earmark in it, and this earmark is the mark called Davis-Bacon wages. Now, earmarks go back to when a pig is born you notch his ear so you can track his genetics through the marketing system. Well, this is an earmark into the first generation of money that goes into the revolving fund. Then once that money is in there, it comes back around again and again with a Davis-Bacon earmark in it, and I know Midwesterners really appreciate this argument, but the next generation of pigs, you at least got to earmark him when he is born.

This one automatically earmarks every generation of money that rolls through this revolving fund now until the end of perpetuity, and that, Madam Chairman, is a bridge too far. We are

not just labeling this Davis-Bacon wage scale. It is Davis-Bacon wage scale in perpetuity.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the distinguished gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Madam Chairman, I rise in strong support of H.R. 720, the Water Quality Financing Act.

In my home of St. Louis, we have one of the oldest wastewater infrastructure systems in the Nation, some dating back to the Civil War. Our crumbling and overused sewer systems are an environmental and economic burden and they frequently threaten the health of the Mississippi River, one of our national treasures. During heavy rain storms, as many as 200 sewers can overflow.

H.R. 720 reaffirms our commitment to continue the progress of the 1972 Clean Water Act and ensures that generations to come will enjoy clean and safe water supplies.

By including Davis-Bacon protections in this bill, our communities will be further assisted by ensuring that our constituents who build these projects will be paid no less than prevailing wage. At a time when thousands of jobs are outsourced from our communities, these Davis-Bacon protections serve as a strong example of homesourcing. Instead of allowing outsiders to undercut the wages of our constituents, Davis-Bacon keeps these fair wages in our communities.

I commend Chair OBERSTAR and Chairwoman JOHNSON for their leadership and look forward to passing this bill in a bipartisan way.

Mr. BAKER. Madam Chairman, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I rise in opposition to this bill because of an abundantly flawed provision it contains. As the ranking member on the committee with jurisdiction over the Davis-Bacon Act, I am particularly concerned about the Davis-Bacon mandate in the bill before us today. I have these two basic concerns for two basic reasons: they represent both bad policy and bad process.

First on process: the Education and Labor Committee, again, the committee with jurisdiction over Davis-Bacon, never formally considered the bill's Davis-Bacon provision, not in a hearing, not in a markup, not in any procedure whatsoever. Rather, a simple exchange of letters with the Transportation and Infrastructure Committee rendered our committee colleagues powerless to weigh the impact of these provisions on the projects themselves, on local economies, and, indeed, on the American taxpayers.

The fact that Davis-Bacon wages rates have not applied to projects funded through the Clean Water Revolving Fund since 1995, a decision made by the

Clinton administration I might add, demonstrates that the change before us is not a small one and it is certainly not one that should be made without appropriate consideration by the committee of jurisdiction.

The second reason for my opposition to the provisions is much more basic. It is just bad policy. By inflating labor rates, Davis-Bacon typically increases the costs of Federal projects by anywhere from 5 to 38 percent. And who ends up paying for all this? That is right, the American taxpayers.

Furthermore, the costs of Davis-Bacon are particularly burdensome for small businesses. Literally, this mandate can saddle private companies with millions of dollars of excess administrative work every year, and because of economies of scale, small, locally owned businesses rarely if ever have the resources to comply with this Federal mandate. As a result, large companies are more often awarded government contracts, even for small projects.

Federal law should not have a built-in bias against small businesses, and I believe this assertion is reflected by President Bush's veto threat.

I urge my colleagues to oppose this measure because it is bad policy and bad process.

Mr. OBERSTAR. Madam Chairman, I yield 1½ minutes to the distinguished gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Madam Chairman, I support H.R. 720 because it will renew our commitment to a positive change in a new direction by investing in our Nation's substantial water infrastructure needs. To me, it is all about our health. It is about clean water and the success of our economy.

As a physician, I am particularly concerned with the health risks directly related to contaminated drinking water and am pleased this Congress understands the need to invest in wastewater infrastructure needs. The EPA predicts that without significant investment and upgrades in our water pollution system, this pollution will continue excessively. By investing in the Clean Water State Revolving Fund, we will ensure the communities receive the financing they require for their wastewater treatment projects.

In northeast Wisconsin, the Clean Water Fund program has helped Brown and Outagamie Counties invest and develop and rehabilitate wastewater and sewer treatment plants. The projects funded in my district alone are indicative of the demand across the Nation for this bill. By encouraging long-term planning for our Nation's clean water infrastructure, we will reduce overall maintenance costs and create more sustainable systems, even as we create higher-wage jobs back home in Wisconsin where they belong.

Finally, I am particularly pleased the Davis-Bacon Act requirements provision will prevail and that the wages of Davis-Bacon will be upheld and local prevailing wages will take place.

This bill will be great for our health, our economy, and our environment. I encourage all of us on both sides of the aisle to vote "yea."

Mr. BAKER. Madam Chairman, I yield such time as he may consume to the ranking member, the gentleman from Florida (Mr. MICA).

Mr. MICA. Madam Chairman, I thank the gentleman for yielding me that time.

I just wanted to clear up a couple of statements that have been made and misconceptions that have been made.

First of all, from the other side, we did hear that this in fact is a Federal mandate, and I did refer in my opening remarks that this is in fact the mother of all unfunded mandates, because it does in an unprecedented fashion with the Davis-Bacon provision that is included in this bill expand the provisions of Davis-Bacon in, again, a fashion that has never been done before in this program. Mr. KING spoke a little bit about this.

I think we all ought to clean up our water and have the best wastewater treatment possible. We do want to fund this program, but we want to do it in a responsible fashion.

But, again, what is unprecedented here, and the Members of the House of Representatives from some 18 States, let me read those States, Alabama, Arizona, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Mississippi, New Hampshire, North Carolina, North Dakota, Oklahoma, South Dakota, Utah, Virginia, the Representatives from those States will have to go back over this weekend and next week and tell their constituents that they voted for this unfunded mandate, this unprecedented mandate on the use of their State revolving funds.

Now, if we are just talking about imposing this on Federal money, that is one thing. But the unprecedented part about this is they are imposing this, first of all, on repayments. It has never been done before. On interest into the State revolving loan fund, they are going to impose this, and also on the State match.

So what happens here is we put money in with good intention, you put more money in, and you get less in return, and we impose this mandate. We have tried not to impose mandates on our local governments.

So that is our objection to this, and that is the administration's objection to this.

We have no objection to providing assistance and a partnership with our local governments and State revolving wastewater treatment activities. That is a good thing. But what we are doing here is a bad thing. It is setting a precedent and imposing an unfunded mandate on our local governments, which we shouldn't be doing even with their money, their repayments, their interest and their match. It is setting a horrible precedent.

So I would like to be for this bill. I would like to vote for this legislation.

But I can't support it if we don't adopt the Baker-King amendment that takes this provision out.

To those of you who come from those States, and I am from one of them, Florida, I can't go back and say I have done this to you when I am trying to do something for you.

With those comments, I do want to clarify the unprecedented mandate that this is imposing. It is a big earmark for big union bosses. Our folks at the State and local levels are going to have to pay the price. I don't want them to have to pay that price.

Mr. OBERSTAR. Madam Chairman, I yield myself 30 seconds.

Madam Chairman, I appreciate the remarks of the distinguished Republican leader on the committee, Mr. MICA. Mr. DEFazio was referring to a mandate upon cities to improve their sewage treatment facilities, not to a mandate in this act.

Secondly, in our committee report, the CBO, the Congressional Budget Office, says H.R. 720 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or Tribal governments. So I can only assume the gentleman is making a statement of hyperbole, rather than a fact.

Madam Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Chairman, I appreciate the gentleman's courtesy. I appreciate his leadership and that of the chairwoman, EDDIE BERNICE JOHNSON. I salute the committee, which has done more on water resources in the last 12 weeks than we have seen the previous Republican leadership do on water resources in the last 12 years.

One of the reasons that we have had a roadblock dealing with these critical water resources has been the Republicans' pathological aversion to Davis-Bacon protections. Sometimes when I hear some of my conservative friends on the other side of the aisle fulminating about Davis-Bacon, I want them to go back and look at the history.

Davis-Bacon is named for the Republican sponsors of the legislation in the Hoover administration. It is not some sort of Democratic plot. In my State, in Oregon, we have adopted a "little Davis-Bacon Act" that was signed into law under a Republican Governor, former Senator Mark Hatfield. When the ideologues put it to the test, tried to repeal the protections, it was overwhelmingly supported by Oregonians almost two to one, and I would note that it passed in every Oregon county, big city or rural areas.

What we have seen is that Davis-Bacon protections level the playing field for bidding, so we are not going to have shoddy public works with inadequately trained and equipped workers. We have watched over time where the

amount of a public contract for construction for labor has actually declined as a percentage. So if they were ever concerned, they should have been concerned long ago when the Republicans introduced it in the Hoover administration.

I would hope, Madam Chairman, that this President does not continue holding water resources hostage by threatening a veto. For heaven's sake, vote Davis-Bacon up or down, but don't penalize American communities by short-changing water resources.

□ 1130

Mr. BAKER. I yield myself such time as I may consume.

I think it is important to understand the operative nature of the State Revolving Fund and the results of the legislation before us on that operation of the fund.

If a community in Florida, the ranking member's State, which has no prevailing Davis-Bacon requirement, borrows money from the revolving fund, there is a match associated with that which is State dollars. There is also interest that accrues on that loan. When the State repays the loan, the State repays the interest, that comes back into the revolving loan account.

Each year, as the Federal funds are made available, assume \$500 million would be made available of Federal resources for the revolving fund account, only that \$500 million under current rule would be subject to Davis-Bacon application. All of the repayment made by the State of Florida, including the interest, would be exempt from the applicability of a Davis-Bacon requirement.

"For the first time," and I read from the statement of administration policy, the White House statement on the matter, "For the first time ever, projects financed by funds contributed solely by States and moneys repaid to the State Revolving Fund will be subject to Davis-Bacon requirements."

So let there be no mistake about this, this is not merely voting to sustain Davis-Bacon as we currently know it. This is to expand the requirement for State-generated funds into States that have no Davis-Bacon requirement at the State level, and it will diminish those States' abilities to meet their identified water infrastructure needs. That is why this debate is occurring. It is not just about whether big business or big labor or the beneficiaries of some legislative initiative. This is about the real world in back home America, and are we going to provide the resources to help small communities get their water systems in decent and safe operating condition? We all agree that is a worthwhile goal.

The question is: How do we want to achieve it?

Do we want to constrain a free market system with arbitrary Washington rules that artificially drive up prices and give taxpayers less? Most of us think that is not advisable.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Madam Chairman, I thank you for the strong leadership that you have provided on this legislation.

I would like to talk to you briefly about the needs of colonias. As you know, many colonias exist around the borders in Texas, New Mexico, Arizona and California, only lacking the basic infrastructure that most Americans take for granted. Often these communities do not have paved roads, hospitals or even utilities. And when you look at the negative impact on the health of its residents, one of the greatest challenges we have is many colonias don't have access to water and sewer services.

As you know, many colonias do not have sewer systems, forcing residents to rely on often inadequate waste water disposal methods such as small and outdated septic tanks. And even if colonias had adequate sewer systems, the border area lacks sufficient facilities to treat the waste water that we have.

What I ask, Madam Chairman, I want to work with you and with Ms. EDDIE BERNICE JOHNSON and other members of the committee to make sure that we pay special consideration to the needs of the colonias as you go into conference for H.R. 720 and as your committee reviews future legislation.

I thank you for your strong leadership on the colonias issue, Madam Chairman.

Mr. OBERSTAR. Madam Chair, I yield myself 30 seconds to assure the gentleman that this bill will go a long way towards helping States target additional support to the colonias, as well as other disadvantaged communities throughout the country.

We will soon bring up, within the next 2 weeks I hope, the Water Resources Development Act of 2007 under the leadership of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). In the past, we have had language to authorize the corps to help provide water and waste water infrastructure for the colonias.

We will work with the gentleman to provide such language in the future.

Mr. BAKER. Madam Chairwoman, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Madam Chairwoman, I thank the gentleman from Louisiana, my colleague, for yielding.

Let me just say, we all recognize that there is a funding gap here, and there are many, many needs throughout our Nation with regard to repairing our water infrastructure. But on the other hand, I think it is wrong to play politics with this.

When I heard we were going to bring forward a bill to deal with our State Revolving Loan Funds, I was very happy about it. I said, yes, this is something that is very much needed in

Louisiana and certainly needed for small rural, disadvantaged communities throughout our Nation.

Yet, what we have got now is a situation with the Davis-Bacon provisions inserted into this bill which is going to create significant problems.

I know we are all frozen politically on this issue, Davis-Bacon or no Davis-Bacon, depending upon which philosophical stripe you wear. But let me just say, we could have done something better coming out of committee with this bill if we would have created exemptions for poor, disadvantaged, small communities throughout the rural United States.

My fear is, with the bill as it stands, it is going to put our communities at a point where they can't access these funds.

Now our friends on the other side of the aisle talk about protecting the American worker and making sure that we are taking care of this big funding gap we have with regard to our aging water infrastructure. But on the one hand, if we create the State Revolving Loan Fund, and on the other hand, we make it unaffordable for our small and disadvantaged communities to access these funds, what good have we done?

I think we need to put aside politics and let's talk about practical policy here. Earlier this week I met with the president of our Police Jury Association, which is the equivalent of county commissioners. He told me that he was excited that we were looking at these funds for water. But when I mentioned the fact that we have Davis-Bacon provisions in the bill, he was very despondent. And he said to me, basically, that this is going to stifle our ability to repair our water infrastructure.

He estimated that it is going to add a 20-25 percent additional cost for sewer treatment facilities in his parish, Evangeline Parish, in rural Louisiana.

The bottom line is, we shouldn't be talking about inside-the-Beltway rhetoric. We need to listen to what real leaders in the real world are telling us. I would say, if Members on the other side, if you talk to those rural community leaders and find out what they need and how we can bridge this gap, you will find out that it is not by putting in Davis-Bacon provisions that will weight this bill down.

I believe Congress has a responsibility to address this growing need, but at the same time, we need to do it in a responsible way that is going to work and not something that is going to be just more political tit for tat, back and forth.

I urge my colleagues to oppose this bill because of the underlying provisions, the Davis-Bacon provisions, which are going to hurt small, disadvantaged communities. And ultimately, it is going to hurt the American worker.

Mr. OBERSTAR. Madam Chair, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Madam Chairwoman, two points. The revolving fund has meant so much to the district I represent. The 12-town drain system before was an open sewer, and with the revolving fund help, we were able to address and attack the problem.

My second point is this: It is interesting that those who come here complaining about the Davis-Bacon provision have been in a party that has sat on its hands on this issue year after year and have come from a party whose President has suggested cutting the revolving fund by \$396 million.

You should have acted long ago to make the revolving fund more meaningful, and so don't use the prevailing wage issue as a reason to oppose this when you have failed to step up to the plate. We are stepping up to the plate here. More money and under circumstances that provide people a chance to have a decent way of life. I urge support of this bill.

I rise in strong support of the Water Quality Financing Act. The bill before the House calls for a significant and needed increase in the annual Federal contribution to the Clean Water State Revolving Fund program. This may not be a well known program, but it has been absolutely critical to water quality improvements in my district, and in many other communities around the country.

The Clean Water Revolving Fund is the only major Federal program that helps localities build, repair, and improve their sewer infrastructure. Over the years, the Revolving Fund has provided more than a billion dollars to my home State of Michigan for low-interest loans for water infrastructure projects.

A billion dollars sounds like a lot of money, but it is literally just a drop in the bucket compared to the need. In southeast Michigan alone, maintaining and improving our aging sewer systems will cost between \$14 and \$26 billion over the next 30 years.

Let me tell you what the Clean Water Revolving Fund has meant to my district. In the early 1990s, the Clinton River that runs through my district in Oakland and Macomb Counties was little more than an open sewer. In particular, there was one, large combined sewer system called 12 Towns that spilled hundreds of millions of gallons of partially treated sewage into the Clinton River each year. This contributed to a nearly dead river and closed beaches downstream in Lake St. Clair. It was a major concern to both Oakland and Macomb counties.

In the late 1990s, the communities undertook an expensive renovation project at 12 Towns that has greatly reduced the sewer overflows. The communities bore the full expense for this project, which cost well over \$100 million, but the low interest rates provided by the Revolving Fund saved the communities tens of millions of dollars in interest costs. The result is that the Clinton River is making a comeback. Water quality is improving.

Twelve Towns is not an isolated example. The Revolving Fund has also helped many other communities in my district with critical water quality improvements. We could not have accomplished the progress that has been made to clean up the Clinton River and Lake St. Clair without the Revolving Fund's help.

The Federal Government has to do more—not less—to help communities shoulder the burden of addressing critical water infrastructure needs. We should have increased the funding for the Revolving Fund long before this; instead, in recent years the Bush Administration and Congress has cut the program again and again. Just last month, the President's budget proposed a \$396 million cut to the Revolving Fund. This takes the effort to clean up the Great Lakes in exactly the wrong direction.

I urge all my colleagues to join me in voting for this important legislation. We should vote for the bill today and—just as importantly—provide the funding for the Clean Water Revolving Fund when we take up the EPA appropriations bill later this year.

Mr. BAKER. I have a speaker on his way, and so I would like to I reserve the balance of my time.

Mr. OBERSTAR. Madam Chair, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Madam Chair, I would like to thank the gentleman from Minnesota for yielding me this time.

I rise today in strong support of H.R. 720, the Water Quality Financing Act of 2007. I urge swift passage of this matter.

Chairman OBERSTAR, thank you, thank you, thank you for addressing the issues of western America. Over the past 2 years, I have visited with folks from across the Third Congressional District of Colorado. Water is one of the issues that greatly affects every constituent in the arid southwest. My constituents are concerned about their water quality and supply, the aging infrastructure, and are concerned that their health is at risk.

Fast-growing rural areas are experiencing trouble with infrastructure demands, especially waste water treatment facilities. With revolving loan money on the decline, small rural communities have been struggling to address major infrastructure needs. This issue crosses lines of environment, health and human safety, growth and economic development.

Many of us view H.R. 720 as a long overdue measure to ensure that the Federal Government invests in waste water infrastructure. This legislation will not only ensure that we have undated waste water infrastructures; it will also reduce the burden of construction and maintenance costs on local towns and communities.

Now is the time for us to start investing in the infrastructure that will safeguard our water quality for future generations.

Again, Mr. Chairman, thank you. And thank you for understanding the struggles that rural America has. I don't understand our opposition on the other side and their opposition to prevailing wage and to a livable wage.

I would urge my colleagues to support investment in clean water infrastructure and passage of this bill.

Mr. BAKER. Madam Chair, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chair, I thank the ranking member.

And the gentleman from Minnesota, I compliment you on your efforts here. It is important that we meet America's water needs all across the country.

I do have some reservations, however. My family owns a small construction company, and that is about the worst business you can be in in a State like Michigan where the economy is struggling. And they hire some union employees, not because the law tells them they have to do that but because they happen to find that their union subcontractors are the best ones to complete their job.

But what you have done in this bill is not for a prevailing wage and empowering people to make more money, you have stopped a whole segment of our society from even competing to get these jobs. There are hundreds and hundreds of regs and comments on how you compute Davis-Bacon. If you were going to go back and say, we will rework this thing so the average American understands what it is, we might be with you.

But the problem is, they can't afford consultants and lawyers. They can't hire people full time just to figure out the regulations so that they might be able to compete to fill out the application to compete for the bid. They are small, and there are a lot of small businesses.

What you are saying to the 80 percent of the entrepreneurs across America who are small business owners who are generating 80 percent of the growth in our economy, 80 percent: You don't qualify. We're sorry. Go get yourself a lawyer and a fancy accountant and spend a lot of money you don't have, and maybe you will have an opportunity to get a job if you can figure out the hundreds of pages of regulations and comments to comply with Davis-Bacon.

So it is not that you are going to get more on these projects, and I think your intentions are absolutely right, and I want to be with you because it is the right thing to do. But the problem is, it is not just going to cost more, you are going to get less. So the more money you put in means it is going to cost more, but we will get less pipe in the ground than if we had allowed a free market and the small entrepreneurs, who are creating jobs in America, to even have the chance to compete. Rules and regulations, taxation and litigation never met with prosperity. It has slowed us down, and it has slowed the small guy, the little guy, the people that you claim you want to support, from even competing.

I would hope that we could get over our differences on this particular issue and set it aside. We know that we want money to go to water infrastructure in rural America. Let's let them do that. Let's take this out. Let's let the little guy compete. Let's let that small entrepreneur who is working 7 days a week and doesn't know if they are

going to have enough money to pay the light bill, let alone take a salary this particular month in places like Michigan, let them compete. Let's take this divisive piece out of it. It won't change what you are wanting to do. That is the thing.

If you take this out, small America wins. Let's do that and stand together and be for water infrastructure around the United States.

□ 1145

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), chairman of the Education and Labor Committee and my classmate of 1974.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Madam Chairman, I thank the chairman for yielding, and I thank him and all of the members of this committee for their work on the Water Quality Financing Act of 2007.

This is a very important piece of legislation, as so many of my colleagues have already testified to. We desperately need, in communities all across the country, the upgrade and the repairing of our Nation's wastewater infrastructure. There is not a congressional district in the country where we are not behind the curve on this effort.

I also rise because this legislation does continue the prevailing wage laws of this Nation, the Davis-Bacon law, which guarantees hardworking Americans, those who are working in Federal construction projects, will be paid a livable wage.

Today, we see report after report, economic study after economic study that talks about the precarious state of the American middle class, about how families are struggling to maintain their status in the middle class. It is one of the imperatives of this new Congress, of the Democratic majority, to grow and to strengthen the middle class; and, clearly, the wages that people pay will play a great part in that.

We should not have Federal dollars, Federal contracts and Federal projects, whether they are in conjunction with locales or not, undermining those livable wages. These wages are incredibly important to the American middle-class family.

We see now that the hardworking Americans and middle class, with the greatest productivity gains in recent history, are sharing the very smallest part of that increase in productivity than at any time in recent history.

It is imperative that we have today Davis-Bacon protections in this law. It is imperative that we have the Davis-Bacon protections for middle-class families in the country.

We know middle-class families now are constantly confronting the risk of what is happening to their pensions: Will they be funded? Will they be ter-

minated? Will they be frozen? What is their ability to put away money in a 401(k) plan? What is their ability to purchase health care? How much more of the cost of that health care is going to be shifted from the employer to the employee? How much more of that are they going to be able to afford?

Maintaining good wages for good quality work is important to these families. It is important to these projects, and it is important to this Nation.

I commend the chairman for reporting this bill to the floor with these provisions in it, to ensure that we continue to grow and strengthen the middle class in this country.

Madam Chairman, I rise in strong opposition to this amendment. For over 75 years Davis-Bacon has guaranteed that hard-working Americans working on federal construction projects will be paid a livable wage. I am pleased that the Water Quality Financing Act of 2007 includes Davis-Bacon prevailing wage provisions and requires that prevailing wage rules be applied to all projects financed in whole or in part through State Revolving Fund programs (SRFs). I vehemently oppose any and all efforts that are intended to strip the prevailing wage provision and undermine the long-standing tradition of Davis-Bacon.

The Water Quality Financing Act of 2007 will be one of approximately 70 Federal laws that include a Davis-Bacon prevailing wage provision. Throughout these laws Davis-Bacon has infused fairness into Federal contract work; and it has protected contractors and workers from unjust treatment and unfair competition.

As more and more families struggle to pay the bills, it is critical now more than ever that we ensure hard-working Americans earn a livable wage.

On a bipartisan basis Congress has historically stood together in support of Davis-Bacon, recognizing the obligation that we have to ensure that Americans are paid a livable wage and to ensure the government does not operate to undermine those wages. As we consider H.R. 720 today we again have a moral obligation to stand up and set the example for how workers should be treated and the standard by which they should be compensated.

#### GOVERNMENT PROJECTS BENEFIT FROM A PREVAILING WAGE PROVISION

The Water Quality Financing Act of 2007 addresses the critical need that we have to build, upgrade and repair this nation's waste water infrastructure. Davis-Bacon ensures that we hire the best people to do this important work.

Requiring that employers pay the local prevailing wage encourages them to hire qualified and highly skilled workers. This in turn results in a higher quality of work and higher productivity; it leads to less waste; it reduces the need for supervision; and fewer mistakes are made which require corrective action.

The fact is that Davis-Bacon helps ensure that projects are completed on time and in the long-term require less rehabilitation and repair. Thanks to decent work standards, these projects don't suffer staggering delays and taxpayers do not have to shoulder additional and unintended costs produced by the delays or a substandard work product.

#### DAVIS-BACON HELPS LOCAL BUSINESSES

Davis-Bacon furthers the viability of local businesses who want to compete for government contracts. The Act protects local employers from cutthroat competition that results from fly-by-night firms who try to undercut local wages and working conditions and who unfairly compete with local contractors.

#### PREVAILING WAGES

It's important to remember what a prevailing wage is. A prevailing wage is defined as the weighted average of all the wage rates paid to laborers or mechanics in the same classification in the same locality. It is literally the wage that prevails in the local market. The government, when making contracts, should respect those prevailing rates. The government should not be in the business of using taxpayer funds to drive down wages in a locality.

#### DEFEATING PRESIDENT BUSH'S REPEAL OF DAVIS-BACON

We've seen efforts to undermine the nation's wage laws time and time again and defeated them time and time again. Two years ago Congress successfully defeated President Bush's attempts to repeal Davis-Bacon during the rebuilding of the Gulf Coast after Hurricane Katrina. At a time when the victims of the hurricane had lost everything—their homes, their belongings, even family members—some political forces thought it would be a good idea to also cut their wages. In a bipartisan effort, Congress stood together and convinced the President to abandon his efforts; in doing so we ensured that those rebuilding the Gulf would be justly compensated for their hard work. I'm proud of the fact that support for Davis-Bacon has always been on a bipartisan basis—and I expect such bipartisan support for this fundamental worker protection will prevail again today.

Madam Chairman, it is time for us to once again stand up for the rights and the dignity of workers across this country. Let's continue the tradition that began over 75 years ago—support the Davis-Bacon prevailing wage provisions contained within the Water Quality Financing Act of 2007.

Mr. BAKER. Madam Chair, I only have one remaining speaker. May I inquire if the gentleman has multiple speakers remaining?

Mr. OBERSTAR. Madam Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 4 minutes remaining, and the gentleman from Louisiana (Mr. BAKER) has 3½ minutes remaining.

Mr. OBERSTAR. And the gentleman has only one speaker remaining?

Mr. BAKER. Correct, sir.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. HARE).

Mr. HARE. Madam Chairman, I rise today in strong support of H.R. 720, the Water Quality Financing Act of 2007.

When I met with local economic development administration officials in Moline, Illinois, over the February recess, reauthorizing and ensuring adequate funding for the State revolving loan fund was stated as the number one need that these administrators had in assisting the rural communities in my district. We all know that the ability to process and treat wastewater, as

well as provide clean water to a community, is the biggest challenge to economic development. In an area hard hit by offshoring and outsourcing of jobs, this assistance is critical to the 17th Congressional District of Illinois.

The Clean Water Revolving Fund is a top priority of the Democrats, and it authorizes \$14 billion for the construction of wastewater treatment facilities and other water pollution abatement projects.

In addition, this bill renews the requirement that contractors and subcontractors on wastewater treatment projects constructed with assistance from the State revolving funds be paid at least the prevailing local wage rate, as determined under the Davis-Bacon Act. By guaranteeing payment of the prevailing local wage rate, Davis-Bacon provides a better standard of living.

I urge my colleagues to join me in voting for the Water Quality Financing Act to address your constituents' clean water needs and to uphold these important labor standards.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Chairman, I rise in support of the Water Quality Financing Act, an act that is essential for our country.

For the past 4 years, the water quality needs of our Nation's communities and my constituents have been neglected. Rural communities along the Texas-Mexican border in my district do not have the resources or the financial capacity to renovate existing water treatment plans and to construct sewage management systems.

These are basic issues in our country where people are still having difficulty getting access to potable water.

I have already heard from the small cities of Sabinal, Clint, Fort Stockton, Presidio, and Fort Hancock, Texas, all of which are in desperate need of assistance with their wastewater management. These and many other communities stand to benefit significantly from the Clean Water State Revolving Fund.

This legislation will authorize a significant increase in funding for the fund, allowing these communities, like those in my district and throughout this country, to secure loans and begin work on the water improvement programs that are needed for our citizens.

I ask you to support this specific legislation that allows these individuals to be able to get access to good, potable water.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Chairman, let me thank the chairman for his leadership and the chairwoman of the subcommittee, Eddie Bernice Johnson, for her leadership.

Texas, under the President's budget, lost \$18 million, and with the restoration of the Clean Water State Revolving Loan Fund of \$14 billion, we will see now the possibility of the restoration of \$49,413,000, a total that we had in the 2007 funding level and going up.

I know what it is like to deal with communities that do not have clean water. Bordersville in Houston, Texas, now has the opportunity to engage and use these dollars to build this community and develop clean water. The EPA recognizes that we have had difficulty across America and water crises and bad water.

This bill makes a good statement. It also makes the positive statement on prevailing wages. There simply is no excuse to not give people a living wage, and that is what prevailing wages are all about.

I want to thank my colleagues for recognizing that water is the source of life and the importance of making sure that the 34 percent cut by this Republican Congress in years past now needs to be amended and fixed. Today we fix it.

I rise in support of H.R. 720, and I ask my colleagues to support this legislation.

Madam Chairman, I rise in strong support of H.R. 720, the "Water Quality Financing Act of 2007," which authorizes \$14 billion over four years for the clean water State Revolving Fund (SRF) for fiscal years 2008 through 2011. This bill will go a long way toward restoring the \$18 million cut in Texas share of the SRF.

Under the SRF program, the Environmental Protection Agency provides grants to States, and the States provide matching funds to establish a low-cost loan program to enable communities to upgrade wastewater treatment systems.

Madam Chairman, the Administration has not sought reauthorization for the revolving fund, preferring to turn the revolving fund into a self-sustaining loan program that is replenished by interest payments made on loans.

H.R. 720 reauthorizes the program at an annual funding level of \$4 billion per year, well above the level of \$1 billion contained in the fiscal year 2007 appropriations bill for EPA currently working its way through Congress.

The bill would extend repayment periods for revolving fund loans up to 30 years, require a State to use part of its funding to provide subsidies for disadvantaged communities, and authorize \$75 million annually in technical assistance to rural and small wastewater treatment projects.

H.R. 720 also directs the Government Accountability Office to study potential revenue sources to set up a Clean Water Trust Fund and encourage communities to consider "green infrastructure" such as the use of rain gardens to collect storm water runoff. The bill also uses water quality benefits and a watershed approach as the criteria to prioritize which projects receive funding.

Madam Chairman, it is no exaggeration to state that the Clean Water Act is the Nation's most successful environmental law. But the continued high quality of the Nation's water supplies is imperiled because over the past six years the Congress has not invested enough

funding to replace or repair the aging and deteriorating wastewater infrastructure.

The State revolving fund's steady source of Federal funding ran out when reauthorization expired in 1994. Since then, Congress has been unable to get any bills affecting the fund through the House or the Senate because of disputes over Davis-Bacon Act requirements that local prevailing wages be paid on projects receiving Federal funds. Instead, Congress has been appropriated funds for the SRF on an annual basis, but at declining levels. The lack of a steady, dependable source of funding has had a detrimental effect on the ability of water management agencies to repair, build, and upgrade the Nation's water quality infrastructure. It puts at risk the Nation's clean water.

Madam Chairman, according to the Environmental Protection Agency (EPA) and the Government Accountability Office (GAO), there is a "funding gap" of \$300 billion to \$500 billion over 20 years between what is needed and what is actually spent on our water quality infrastructure. Without a Federal recommitment to clean water, the costs of maintaining existing and aging infrastructure further stressed by ever increasing population and industrial demands, as well as new and costly Clean Water Act requirements must be borne at the local level.

Madam Chairman, the needs of municipalities, counties, and towns have simply outgrown the funding levels of the Clean Water State Revolving Fund (SRF). The SRF program has been under siege since 2004, plummeting from \$1.35 billion in 2004 to less than \$700 million proposed for 2007. A dedicated source of Federal funding must be identified to assure adequate and continued financial assistance to municipalities to meet the goals of the Federal water quality program. H.R. 720 takes a major step in this direction and provides a significant down payment on the investment that must be made to ensure the quality of the Nation's water supply.

Madam Chairman, I support the objectives of establishing a Clean Water Trust fund. Such a dedicated trust fund for clean water will ensure that infrastructure modernization and maintenance remains a priority and will secure the long-term viability of the Clean Water State Revolving Fund (CWSRF), while also adding a significant grant component to help communities fully achieve the goals of the Clean Water Act.

I also support expanded eligibility under the SRF for water conservation measures. This would enable consumers to make more efficient use of treated water, including incentives for the modification, retirement, replacement of customer-owned water-using equipment, appliances, plumbing fixtures, and landscape materials. Saving water through improved efficiency can lessen the need to withdraw ground or surface water supplies for municipal or industrial demands. Strategic use of water conservation not only helps save the Nation's water resources but also can help extend the value and life of both water supply and wastewater treatment infrastructure, extending the beneficial investment of public funds.

Finally, Madam Chairman, I strongly support the Davis-Bacon provisions in H.R. 720 requiring that workers on projects funded through the SRF not be paid less than the prevailing wage. By guaranteeing payment of the prevailing local wage rate, Davis-Bacon provides

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a better standard of living and economic security for these workers.

Madam Chairman, Davis-Bacon "prevailing wage" standards are set by scientific surveys of actual wages paid in local communities. Accordingly, Davis-Bacon wages in lower-cost areas such as rural communities and small towns are closely tied to existing local wages and therefore ensure a reasonable wage comparable to those earned by other workers in that community. Obviously, the prevailing wage rates in higher-cost areas such as major urban centers are higher because the average wage and cost-of-living are higher. Moreover, in 1981, the implementing regulations for Davis-Bacon were specifically amended to prohibit the Department of Labor from using wage data collected in urban areas to make a prevailing wage determination in a nearby rural county.

Madam Chairman, I will strongly oppose any amendments by the minority to eliminate, weaken, or alter the Davis-Bacon provisions within this legislation. These are the latest in a long history of Republican attacks on the Davis-Bacon Act and the protections it provides to workers. Not only have three Republican presidents temporarily suspended the Act, but many of Republican colleagues have sought to repeal it altogether.

For all of these reasons, I strongly support H.R. 720 and urge all my colleagues to join me in voting for its adoption by the House. I also call upon my colleagues to oppose any amendments to weaken this critical legislation that will address the real needs of the American people.

Mr. BAKER. Madam Chairman, I yield myself the remainder of the time.

I wish to express sincere and deep appreciation to the gentlewoman who is the Chair of the Water Resources Subcommittee and, of course, to the distinguished chairman of the full committee, Mr. OBERSTAR. In thinking back over my tenure on the committee, it really is hard to remember a time when there has been significant partisan difference. It truly is one of the committees of the House that works in a unified way and produces a consistent, unified voice.

We share the vision that America's infrastructure is the key to our Nation's economic future and that where infrastructure is damaged or inadequate, economies lag behind, employment is high, and circumstances are not good. So we really are joined here together in an effort to do what we believe is right and best for communities we represent.

In this one instance, we find ourselves on the opposite side of a policy which has, over time, divided this Congress, the requirement by government to tell those engaged in a business endeavor what you should pay your employees in meeting essential public need.

It is clear to me that in my home State, the economic dislocations because of the tragic storms is immense and widespread and felt deeply and unfortunately will be likely felt for many years to come. We all know that there aren't sufficient resources to solve every problem in every community and

certainly not even in our own State. Despite the generosity of the American people and this Congress, there will be billions of dollars of unmet need.

The question, as we go to Dr. Boustany's district in southwest Louisiana to a small, small rural parish in Cameron, where there isn't even a municipality, where after the storm's terrible surge went across the land, you could stand on the northern edge of the parish and look all the way to the gulf coast and not see a structure standing. We don't have enough money to build it all back. We can't even tell people even when we are likely to build it back, but we are going to send some money, now in the form of a State revolving fund intended for the restructuring and rebuilding of critical water infrastructure.

What are we going to do with that \$10? Are we going to artificially increase the cost of that project just to make it more difficult for rural Cameron parish to recover? I don't think we really want or intend to do that, but that is the consequence of this provision in this bill. It makes recovery more difficult. It will take recovery longer. It will cost more to build less.

We all pride ourselves in America on our strong free enterprise beliefs. Let's turn free enterprise loose. Let's let Louisiana rebuild. Let's do it in the most efficient and expeditious way possible. Let's strike Davis-Bacon provisions from this bill.

Mr. OBERSTAR. Madam Chairman, I yield myself the balance of our time, which should be about a minute.

Again, I express my great appreciation to the gentleman from Florida (Mr. MICA), the ranking member on the full committee, and the gentleman from Louisiana (Mr. BAKER), who I have the greatest respect for, and I recall his distinguished and authoritative presentation during the committee tour post-Katrina at Baton Rouge where the gentleman had a mastery of the facts of the issues at hand, and we stood in solidarity and we do stand in solidarity on this legislation.

We have one difference of opinion. That is why we have a legislative body and a process through which to work these issues out, and as the late Speaker of the House, Sam Rayburn, said very thoughtfully many years ago, something like 60 years ago, We can agree to disagree without being disagreeable, and that is the manner in which I hope we will continue to conduct issues before our committee.

I just think back to the time when I worked, when I was in college working in construction jobs, and I was working as a truck driver and cement puddler for 50 cents below what was a union wage, below what was a standard wage, because this wasn't a unionized job, and I don't want to see that happen to anybody.

Mr. OBERSTAR. Madam Chairman, I submit the following exchange of letters between Mr. RANGEL, Chairman of the Committee on Ways and Means, and me.

Hon. JAMES OBERSTAR,  
*Chairman, Transportation and Infrastructure  
Committee, Rayburn House Office Building,  
Washington, DC.*

DEAR JIM: I am writing regarding H.R. 720, the Water Quality Financing Act of 2007, which is scheduled for floor action later this week.

As you know, H.R. 720 raises revenue by increasing vessel tonnage duties, an authority which falls within the jurisdiction of the Committee on Ways and Means. In addition, H.R. 720 violates clause 5(a) of Rule XXI, which restricts bills and amendments from carrying taxes and tariffs not reported by the Ways and Means Committee.

In order to expedite this legislation for floor consideration, the Committee will forgo action on this bill, and will not oppose H.R. 720 being given a waiver of Rule XXI. This is being done with the understanding that it does not in any way prejudice the Committee or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confining this understanding with respect to H.R. 720, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

HON. CHARLES B. RANGEL,  
*Chairman.*

MARCH 8, 2007.

Hon. CHARLES B. RANGEL,  
*Chairman, Committee on Ways and Means,  
Longworth House Office Building, Washington,  
DC.*

DEAR CHAIRMAN RANGEL: Thank you for your recent letter regarding the consideration of H.R. 720, "the Water Quality Financing Act of 2007". Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that section 601 of H.R. 720, as reported, is of jurisdictional interest to the Committee on Ways and Means. I acknowledge that, by foregoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Ways and Means has jurisdiction in H.R. 720.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,  
*Chairman.*

Mr. PEARCE. Madam Chairman, I sadly rise today to oppose this important legislation. Unfortunately, in a kickback to Unions, the Majority has decided to include in this legislation provisions that will drive up the cost of state water projects and are particularly harmful to small rural communities.

As a New Mexican, I know the critical role water plays in economic expansion and the daily need of our citizens. We in New Mexico struggle to find good clean water for our communities. The reauthorization of the Clean Water State Revolving Loan Fund Program is an important step to meeting the needs of my communities.

Communities in my district like Columbus, New Mexico, a small community of 1700 people which has no clean running water in its community, is desperate for assistance from a

program like the one we will authorize today. Sadly, the majority has decided that this poor community should have foisted upon it Federal Davis-Bacon requirements which were never intended to be applied to non-Federal funds. Instead of helping communities get clean water projects the majority has decided to inflate the cost of these projects with unnecessary provisions that will result in fewer clean water projects, fewer jobs and less clean water.

I don't understand how the inclusion of these provisions that inflate costs will benefit the small rural communities who can barely afford clean water projects in the first place. Sadly, those provisions prevent me from supporting this otherwise good legislation.

Mr. KELLER. Madam Chairman, I rise today to support the Baker amendment and to oppose the underlying bill, H.R. 720.

I had hoped to support this legislation, which would allow States and municipalities to build water treatment plants and other necessary infrastructure.

Unfortunately, our friends in the Democratic majority have taken away the rights of States and municipalities by forcing them to comply with Federal Davis-Bacon requirements, which waste taxpayer dollars by inflating construction costs.

My state of Florida does not have a state prevailing wage law. This legislation would force small, rural communities in my district and throughout Florida to pay vastly inflated Federal prevailing wages to build these critical infrastructure projects. Studies have shown that Davis-Bacon inflates the cost of construction by up to 38 percent in rural areas.

I cannot support imposing the antiquated Davis-Bacon requirements on my local communities—wasting their hard-earned tax dollars on inflated construction costs. I urge my colleagues to vote “no” on this legislation, and yes to the Baker Amendment.

Mr. HINOJOSA. Madam Speaker, I rise in strong support of H.R. 720, the “Water Quality Financing Act of 2007.” As we all know, H.R. 720 will reauthorize the Clean Water State Revolving Fund and provide \$14 billion in funding for the program over the next four years. The bill provides technical assistance to rural and small municipalities for the purpose of assisting them in the planning, developing, and acquisition of financing for wastewater infrastructure assistance. The bill also provides technical assistance and training for rural and small publicly owned treatment works and decentralized wastewater treatment systems to enable such treatment works and systems to protect water quality and achieve and maintain compliance with the bill's requirements. Equally important, the bill will disseminate information to rural and small municipalities and municipalities that meet the affordability criteria established under section 603(i)(2) by the State in which the municipality is located with respect to planning, design, construction, and operation of publicly owned treatment works and decentralized wastewater treatment systems.

With 20 percent of the country's population living in rural communities, it's critical that we address their infrastructure needs including access to clean water, working sewers, electricity, and other necessities. For more than a decade, the Clean Water State Revolving Fund has been integral to State's and localities in their effort to deal with critical clean water infrastructure needs.

As a community, our progress must be judged not by the status of our most fortunate members of society, but by that of our most challenged members. That is why I am committed to fighting for the resources needed to ensure a better standard of living for all Colonia residents, why I voted in favor of H.R. 720, and why I co-founded and currently am Chairman of the Congressional Rural Housing Caucus. I founded the Congressional Rural Housing Caucus to advocate for legislation and policy changes that: expand the availability of safe and affordable housing—both for purchase and for rental—in Rural America; eliminate substandard housing in Rural America; and especially to address the infrastructure needs of Rural America, including providing access to clean water, working sewers, electricity, and other necessities. This bill is an important step toward meeting the goals of the Congressional Rural Housing Caucus.

There are more than 350,000 people who struggle in the unacceptable living conditions of the Colonias every day. Many Colonias do not have sewer systems. Instead, residents must rely on alternative, often inadequate wastewater disposal methods. Surveys of Colonias in El Paso and the Rio Grande Valley show that 50.7 percent of the households use septic tanks, 36.4 percent use cesspools, 7.4 percent use outhouses, and 5.5 percent use other means to dispose of wastewater. Septic tank systems, which in some circumstances may provide adequate wastewater disposal, often pose problems because they are too small or improperly installed and can overflow.

Even if the colonias had adequate sewer systems, the border area lacks sufficient facilities to treat wastewater. According to a summary report by the Environmental Protection Agency (EPA), wastewater treatment capacity along the U.S.-Mexico border has been inadequate for the past decade. In many places, there are no treatment facilities at all. Consequently, border communities often discharge untreated or inadequately treated wastewater into rivers, canals and arroyos (a creek or stream), which then flow into the Gulf of Mexico. In the Nuevo Laredo/Laredo area alone, 27 million gallons of untreated waste-water are discharged directly into the Rio Grande each day, contributing to ecological and aesthetic degradation, economic loss and threats to public health. Securing potable water also presents a challenge to Colonia residents. Many must buy water by the bucket or drum to meet their daily needs or use wells that may be contaminated.

According to The Colonias Factbook, a Texas Department of Human Services survey of living conditions in rural areas of South and West Texas border counties, 23.7 percent of the households did not have treated water in the house. Because of this, the survey found, untreated water was used by 12.8 percent of households to wash dishes, 13.1 percent to wash clothes, 12.3 percent to bathe and 4.9 percent to cook.

A 1995 Texas Water Development Board (TWDB) study estimates that 428 colonias with about 81,000 people are in need of potable water facilities, and 1,195 colonias with about 232,000 people need wastewater treatment facilities. The TWDB estimates it would cost more than \$424 million to build the water and wastewater facilities needed in the 23 counties surveyed.

In my district, these issues are increased by the low-incomes and housing quality problems suffered by my constituents. According to the 2000 Census, the median income for persons living in the 15th district was \$26,840. There are more than 7,500 households that lack complete plumbing facilities. Crowding is a problem as more than 15 percent of all occupied housing units are crowded (i.e., more than one person per room).

The battle to improve every Colonia in South Texas will require enormous resources and support from program partners, community residents, and especially the Federal Government. This is a battle we must win, and I know we will win. The problems in the Colonias are not just the Colonias' problems, but they are the State's problems they are the Nation's problems—and they are our problems.

Passage of today's legislation will go a long way toward improving the quality of life of residents of the Colonias and towards attaining the goals of the Congressional Rural Housing Caucus.

Rest assured that I will continue to fight for legislation, regulations and programs that understand the needs of Colonia and all rural residents. I will fight to fund programs that educate Colonia residents and empower them with the tools needed to live not for today, but for every day.

Where there is a will, there is a way. And as we say in my district and around the world—*Si Se Puede!*

Mr. WELDON of Florida. Madam Chairman, I rise today to express my opposition to H.R. 720, the Water Quality Financing Act of 2007. This bill is the third water bill brought to the floor this week. These three bills are filled with excessive spending, propose no way to pay for the increased spending, create duplicative bureaucracies, and impose requirements leading to inefficiencies that will lead taxpayers to getting less work for each Federal dollar spent. H.R. 720 is fiscally irresponsible.

The fact is, Madam Chairman, we already have a program in operation designed to help State and local communities with water and sewer projects—The State Revolving Fund (SRF). The SRF is a fiscally responsible program that provides Federal assistance through loans and other cost-sharing arrangements to help States assist municipalities with high priority projects. I support the SRF and believe it strikes an appropriate balance between Federal and State responsibility with respect to improving water systems in communities across the country. While today's bill authorizes SRF funding, the Congressional Budget Office has determined that in total the bill will actually suck about \$49 million over 5 years away from the SRF to be used in two new and less effective grant programs created in H.R. 720. Unlike SRF funds, these no-strings-attached grants do not have to be repaid and, in my estimation, will encourage States and municipalities to rely too heavily on Federal funding for improving their communities.

Unfortunately, creating more government bureaucracy and undermining an existing loan program is not even the worst of this bill. H.R. 720 also amounts to a kickback to special interest labor unions. This bill imposes on States costly Davis-Bacon labor rules. Democrats are telling the American taxpayers that inserting special provisions for their political base is more important than fiscal responsibility. Under Davis-Bacon, any project funded

through this bill will cost American taxpayers a 15 percent surcharge. This mandate effectively reduces the number of projects that can be completed under H.R. 720 by 15 percent. Adding a 15 percent surcharge will only serve to delay projects addressing water supply shortages and sewage treatment problems. The Davis-Bacon provision also discriminates against smaller—often minority owned—businesses that don't have the means to comply with its owner requirements.

Finally, Madam Chairman, H.R. 720 raises taxes—\$256 million over 5 years.

In short, today's bill is an excellent case study for the new Democratic Majority's priorities: More expensive bureaucracy, a kickback to labor at taxpayers' expense, creation of duplicative government programs, and a hidden tax increase on ordinary Americans.

For these reasons, I urge my colleagues to vote "no" on H.R. 720.

Mr. PASCRELL. Madam Chairman, I am proud to rise in support of the Water Quality Financing Act, H.R. 720, and I commend Chairman OBERSTAR for working so hard to bring it to the floor today.

This bill reauthorizes the Clean Water State Revolving Fund, a necessary program providing low-interest loans to communities for construction of wastewater treatment facilities and other water projects.

H.R. 720 authorizes \$14 billion over the next 4 years for the fund, which will go a long way toward helping America's cities and towns fix their wastewater infrastructure.

This is a critical program. Since it was created in 1987, the fund has partnered with local and State governments to drastically improve America's water quality.

As a result of dramatic improvements in wastewater infrastructure due in part to this fund, discharges of waste into the environment have decreased by one-half since the early 1970's.

In my home State of New Jersey, the fund has been enormously helpful. New Jersey was granted almost \$2 billion during fiscal years 1987 through 2005, almost all of which was used for wastewater treatment projects. This much-needed funding has been instrumental in helping my State keep its water clean and its citizens safe and healthy.

The fact is: This bill is long overdue.

We know all too well that progress cannot be achieved on the cheap. If we want clean water for ourselves and future generations, we must invest in it.

The longer we wait, the more degraded our systems get.

I urge my colleagues to vote. "yes" on this bill today.

Ms. HIRONO. Madam Chairman, I thank you for this opportunity to express my support for H.R. 720 and my strong opposition to the amendment that seeks to remove Davis-Bacon wage protections from the bill. Addressing the Nation's urgent wastewater infrastructure needs by strengthening and recapitalizing the Clean Water State Revolving Fund is critically important. Retaining the requirement that workers be paid the local prevailing wage will help ensure that these projects yield the greatest benefit to the communities they are meant to help.

Davis-Bacon not only guarantees that workers receive a fair wage; it helps ensure the quality of the work because it removes the incentive for hiring less qualified workers for a

job. Paying prevailing wages also means that businesses and workers in the community where the work is taking place have a fair shot at getting the job and are less likely to be undercut by contractors who bid lower but then cut corners. A well-built project at a fair price should be our goal—not the cheapest possible job where workers' qualifications and quality of work may be compromised.

I want to congratulate Chairman OBERSTAR on moving this critical bill through the committee and to the floor in such a timely fashion. I am very proud to be a member of the Transportation and Infrastructure Committee and to be able to tell my constituents that help in upgrading our wastewater systems is on the way.

Mr. KIRK. Madam Chairman, I am here today because one of our most precious natural resources is under siege. As the world's largest freshwater system, the Great Lakes provide food, recreation, and drinking water for nearly 40 million people. Yet with each day, our water grows more contaminated with sewage discharged from municipalities along the lakes.

Nearly 24 billion gallons of sewage are dumped into the Great Lakes each year. While cities like Milwaukee have begun to reduce the amounts of sewage they discharge, not enough is being done to terminate this harmful practice. Detroit, for example, dumps 13.2 billion gallons of sewage per year into the lakes. This has a devastating effect on the region's tourism sector. Studies estimate an economic loss of roughly \$8,000 per day as a result of closing a Lake Michigan beach due to pollution. In 2005, sewage discharges contributed to the nearly 3,000 Great Lakes' beach closures, an increase of 5 percent over the previous year. In my own district, there were 150 beach closures in just 92 days of summer in 2004. This is unacceptable.

For years, the Clean Water State Revolving Fund has helped to fund billions of dollars worth of water quality projects, but Federal funding for this program is declining. The Environmental Protection Agency and the Government Accountability Office estimated a \$500 billion shortfall in clean water infrastructure investment over the next two decades. The important legislation in front of us would increase the authorization for the Clean Water State Revolving Fund, which is imperative if we want to escape this massive shortfall. I had proposed an amendment establishing an added financing mechanism while also adding significant incentive for States and cities to eliminate their pollution into the Great Lakes.

The Kirk amendment would have set a date certain, 2027, to end sewage dumping directly into the Great Lakes by increasing fines for dumping to \$100,000 per violation, per day. The next 20 years would allow municipalities to upgrade their sewage system and ensure a level playing field for all communities along the Great Lakes. This would not affect any current dumping restrictions or regulation. The amendment further would have established a Great Lakes clean-up fund within the Clean Water State Revolving Fund, to which all sewage dumping penalties would be directed. Funds would be used to spur projects to improve wastewater discharges and protect the water quality of our lakes with a special focus on greener options such as habitat protection and wetland restoration.

This amendment would have also required both cities and the EPA to publicly report

dumping levels of sewage a year after enactment. Currently there is no uniform standard for public disclosure of wastewater violations. It is imperative that we understand the extent of the problem we are facing, and that education begins with public disclosure of all dumping into the Great Lakes.

With the growing populations living along the American and Canadian shores of the Great Lakes, it is appropriate to set a date that gives cities the time to make needed changes to their infrastructure to prohibit sewage dumping in the Great Lakes. We must preserve Great Lakes beaches, maintain the region's economic growth and protect the nation's largest supply of drinking water.

Madam Chairman, I support this bill in its current form. It would have been a better bill had the congressional leadership allowed the Kirk amendment to be considered. I do not understand why the House Democratic Leadership opposes setting a deadline to ban sewage dumping in Lake Michigan and other Great Lakes. By blocking my amendment, the congressional leadership missed a key opportunity to protect our environment.

Mr. MITCHELL. Madam Chairman, I rise today in support of the Water Quality Financing Act of 2007 because it restores much-needed funding for our Nation's wastewater infrastructure, and establishes a mechanism to finally bring Arizona its fair share of Federal funds.

For nearly three decades, the Federal Government has short-changed Arizona on wastewater infrastructure. Instead of allocating funds based on needs it has inequitably and inexplicably continued to use 1970 Census data as a part of its allocation formula.

Since 1970, our State has more than tripled in population. As a result, we have become the victims of an alarming disparity.

Arizona currently ranks 10th in need, and 20th in population, but only 38th in receipt of Federal funding for Clean Water State Revolving Funds.

On a per capita basis, Arizona ranks 53rd. We are dead-last. Even the territories do better than we do. This is unfair, and needs to change.

Fortunately, H.R. 720 will begin that process. It lays the groundwork for a transition away from the current, inequitable, allocation formula, and toward a new formula based on need.

Of course, the House is not the last word on this. The Senate will have its say as well. Fortunately, our state has a great champion in our distinguished Senator JON KYL. He has been a leader on this issue, and many other water issues, and I know he will fight to ensure that Arizona gets what it deserves as this bill works its way through the Senate. And when, I hope, this bill goes to conference, I look forward to working with Senator KYL, for the good of our State.

Before I conclude, I want to express my gratitude to our chairman, JAMES OBERSTAR. His mastery of transportation issues is exceeded only by his fairness, his willingness to listen, and his incredible ability to bring people together. It has been an honor to work with him on this bill, and I look forward to working with him as it continues its way through Congress.

With that, I urge my colleagues to support H.R. 720, and yield back the balance of my time.

Mr. ENGEL. Madam Chairman, I rise today in support of the Water Quality Financing Act of 2007. After 12 long years of little to no legislation supporting the environment, I am happy to stand up today to support a week of great environmental bills.

In celebration of Clean Environment Week in this House, the Democratic majority has brought forward three bills that will be good for the environment, good for the economy, and good for the people of New York and the rest of the Nation.

This bill, H.R. 720, will reauthorize the Clean Water State Revolving Loan Fund. The goal of this bill is to provide money to local governments in order for cities and towns across the country to improve and renovate their clean water infrastructure. The communities that will be using this money are extremely supportive of this bill.

The Clean Water Fund is essential to help States and municipalities make critical upgrades to their water infrastructure systems. In turn, these investments ensure clean water and foster economic development.

One of the most successful environmental programs in our Nation's history was the Clean Water Act of 1972. In the 35 years that it has been in existence, the Clean Water Act has helped to ensure that the water we drink as well as the bodies of water that we enjoy in nature will be clean and safe for use.

H.R. 720 will allow us to continue receiving the benefits of the Clean Water Act. It authorizes up to \$20 billion over the next 5 years to keep our water and our environment clean.

Another bill we supported this week is H.R. 569, legislation to boost sewer overflow controls. This bill will authorize \$1.8 billion over 5 years to prevent combined sewer overflow. Sewer overflow affects over 750 municipalities across the country.

During a heavy rainstorm, inadequate sewer facilities and infrastructure can easily overflow, causing major health concerns as well as an environmental mess. Madam Chairman, nobody here wants to see what happens when a sewer overflows into bodies of water around our neighborhoods. Yet Congress has done nothing to combat this problem over the past decade, despite a desperate need for action.

The total cost for fixing combined sewer systems across the country has been estimated to be about \$50 billion. We cannot expect small towns and local governments to be able to pay for this renovation by themselves. And this problem is not lessening. Every year, we see antiquated sewer systems backing up and outdated infrastructure crumbling. The problem is getting worse, and the longer we wait, the more we will have to pay to fix it.

Combined sewer backups are likely to occur in 37 States and the District of Columbia. My home State of New York is one of the 37 States affected. The 17th District of New York straddles the Hudson River, which can flood under heavy rain conditions. Madam Chairman, I for one do not want to wait until we have sewers backing up in our own backyard before we take action. We have waited long enough, and passing H.R. 569 was a good first step in fixing these aging sewer systems.

For all these reasons, I support H.R. 720, and I would encourage my colleagues to do the same.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in

the bill, modified by the amendment printed in part A of House Report 110–36, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

#### H.R. 720

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *IN GENERAL.*—This Act may be cited as the “Water Quality Financing Act of 2007”.

(b) *TABLE OF CONTENTS.*—

*Sec. 1. Short title; table of contents.*

*Sec. 2. Amendment of Federal Water Pollution Control Act.*

#### TITLE I—TECHNICAL AND MANAGEMENT ASSISTANCE

*Sec. 101. Technical assistance.*

*Sec. 102. State management assistance.*

*Sec. 103. Watershed pilot projects.*

#### TITLE II—CONSTRUCTION OF TREATMENT WORKS

*Sec. 201. Sewage collection systems.*

*Sec. 202. Treatment works defined.*

*Sec. 203. Policy on cost effectiveness.*

#### TITLE III—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

*Sec. 301. General authority for capitalization grants.*

*Sec. 302. Capitalization grant agreements.*

*Sec. 303. Water pollution control revolving loan funds.*

*Sec. 304. Allotment of funds.*

*Sec. 305. Intended use plan.*

*Sec. 306. Annual reports.*

*Sec. 307. Technical assistance.*

*Sec. 308. Authorization of appropriations.*

#### TITLE IV—GENERAL PROVISIONS

*Sec. 401. Definition of treatment works.*

*Sec. 402. Funding for Indian programs.*

#### TITLE V—STUDIES

*Sec. 501. Study of long-term, sustainable, clean water funding.*

*Sec. 502. Feasibility study of supplemental and alternative clean water funding mechanisms.*

#### TITLE VI—TONNAGE DUTIES

*Sec. 601. Tonnage duties.*

#### SEC. 2. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

*Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).*

#### TITLE I—TECHNICAL AND MANAGEMENT ASSISTANCE

##### SEC. 101. TECHNICAL ASSISTANCE.

(a) *TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.*—Section 104(b) (33 U.S.C. 1254(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following:

“(8) make grants to nonprofit organizations—  
“(A) to provide technical assistance to rural and small municipalities for the purpose of assisting, in consultation with the State in which the assistance is provided, such municipalities in the planning, developing, and acquisition of financing for eligible projects described in section 603(c);

“(B) to provide technical assistance and training for rural and small publicly owned

treatment works and decentralized wastewater treatment systems to enable such treatment works and systems to protect water quality and achieve and maintain compliance with the requirements of this Act; and

“(C) to disseminate information to rural and small municipalities and municipalities that meet the affordability criteria established under section 603(i)(2) by the State in which the municipality is located with respect to planning, design, construction, and operation of publicly owned treatment works and decentralized wastewater treatment systems.”.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—Section 104(u) (33 U.S.C. 1254(u)) is amended—

(1) by striking “and (6)” and inserting “(6)”; and

(2) by inserting before the period at the end the following: “; and (7) not to exceed \$75,000,000 for each of fiscal years 2008 through 2012 for carrying out subsections (b)(3) and (b)(8), except that not less than 20 percent of the amounts appropriated pursuant to this paragraph in a fiscal year shall be used for carrying out subsection (b)(8)”;.

(c) *SMALL FLOWS CLEARINGHOUSE.*—Section 104(q)(4) (33 U.S.C. 1254(q)(4)) is amended—

(1) in the first sentence by striking “\$1,000,000” and inserting “\$3,000,000”; and

(2) in the second sentence by striking “1986” and inserting “2009”.

(d) *COMPETITIVE PROCEDURES FOR AWARDED GRANTS.*—Section 104 (33 U.S.C. 1254(b)) is amended by adding at the end the following:

“(w) *COMPETITIVE PROCEDURES FOR AWARDED GRANTS.*—The Administrator shall establish procedures that, to the maximum extent practicable, promote competition and openness in the award of grants to nonprofit private agencies, institutions, and organizations under this section.”.

##### SEC. 102. STATE MANAGEMENT ASSISTANCE.

Section 106(a) (33 U.S.C. 1256(a)) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the semicolon at the end of paragraph (2) and inserting “; and”; and

(3) by inserting after paragraph (2) the following:

“(3) such sums as may be necessary for each of fiscal years 1991 through 2007, and \$300,000,000 for each of fiscal years 2008 through 2012;”.

##### SEC. 103. WATERSHED PILOT PROJECTS.

(a) *PILOT PROJECTS.*—Section 122 (33 U.S.C. 1274) is amended—

(1) in the section heading by striking “WET WEATHER”; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking “wet weather discharge”; and

(B) in paragraph (2) by striking “in reducing such pollutants” and all that follows before the period at the end and inserting “to manage, reduce, treat, or reuse municipal stormwater, including low-impact development technologies”; and

(C) by adding at the end the following:

“(3) *WATERSHED PARTNERSHIPS.*—Efforts of municipalities and property owners to demonstrate cooperative ways to address nonpoint sources of pollution to reduce adverse impacts on water quality.”.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—Section 122(c)(1) is amended by striking “for fiscal year 2004” and inserting “for each of fiscal years 2004 through 2012”.

(c) *REPORT TO CONGRESS.*—Section 122(d) is amended by striking “5 years” and inserting “10 years”.

#### TITLE II—CONSTRUCTION OF TREATMENT WORKS

##### SEC. 201. SEWAGE COLLECTION SYSTEMS.

Section 211 (33 U.S.C. 1291) is amended—

(1) by striking the section designation and all that follows through “(a) No” and inserting the following:

**“SEC. 211. SEWAGE COLLECTION SYSTEMS.**

“(a) IN GENERAL.—No”;

(2) in subsection (b) by inserting “POPULATION DENSITY.—” after “(b)”;

(3) by striking subsection (c) and inserting the following:

“(c) EXCEPTIONS.—

“(1) REPLACEMENT AND MAJOR REHABILITATION.—Notwithstanding the requirement of subsection (a)(1) concerning the existence of a collection system as a condition of eligibility, a project for replacement or major rehabilitation of a collection system existing on January 1, 2007, shall be eligible for a grant under this title if the project otherwise meets the requirements of subsection (a)(1) and meets the requirement of paragraph (3).

“(2) NEW SYSTEMS.—Notwithstanding the requirement of subsection (a)(2) concerning the existence of a community as a condition of eligibility, a project for a new collection system to serve a community existing on January 1, 2007, shall be eligible for a grant under this title if the project otherwise meets the requirements of subsection (a)(2) and meets the requirement of paragraph (3).

“(3) REQUIREMENT.—A project meets the requirement of this paragraph if the purpose of the project is to accomplish the objectives, goals, and policies of this Act by addressing an adverse environmental condition existing on the date of enactment of this paragraph.”.

**SEC. 202. TREATMENT WORKS DEFINED.**

Section 212(2)(A) (33 U.S.C. 1292(2)(A)) is amended—

(1) by striking “any works, including site”;

(2) by striking “is used for ultimate” and inserting “will be used for ultimate”;

(3) by inserting before the period at the end the following: “and acquisition of other lands, and interests in lands, which are necessary for construction”.

**SEC. 203. POLICY ON COST EFFECTIVENESS.**

Section 218(a) (33 U.S.C. 1298(a)) is amended by striking “combination of devices and systems” and all that follows through the period at the end and inserting “treatment works that meets the requirements of this Act. The system may include water efficiency measures and devices.”.

**TITLE III—STATE WATER POLLUTION CONTROL REVOLVING FUNDS****SEC. 301. GENERAL AUTHORITY FOR CAPITALIZATION GRANTS.**

Section 601(a) (33 U.S.C. 1381(a)) is amended by striking “for providing assistance” and all that follows through the period at the end and inserting the following: “to accomplish the objectives, goals, and policies of this Act by providing assistance for projects and activities identified in section 603(c).”.

**SEC. 302. CAPITALIZATION GRANT AGREEMENTS.**

(a) REPORTING INFRASTRUCTURE ASSETS.—Section 602(b)(9) (33 U.S.C. 1382(b)(9)) is amended by striking “standards” and inserting “standards, including standards relating to the reporting of infrastructure assets”.

(b) ADDITIONAL REQUIREMENTS.—Section 602(b) (33 U.S.C. 1382(b)) is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting a semicolon; and

(3) by adding at the end the following:

“(11) the State will establish, maintain, invest, and credit the fund with repayments, such that the fund balance will be available in perpetuity for providing financial assistance in accordance with this title;

“(12) any fees charged by the State to recipients of assistance will be used for the purpose of financing the cost of administering the fund or financing projects or activities eligible for assistance from the fund;

“(13) beginning in fiscal year 2009, the State will include as a condition of providing assist-

ance to a municipality or intermunicipal, interstate, or State agency that the recipient of such assistance certify, in a manner determined by the Governor of the State, that the recipient—

“(A) has studied and evaluated the cost and effectiveness of innovative and alternative processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought under this title, and has selected, to the extent practicable, a project or activity that may result in greater environmental benefits or equivalent environmental benefits when compared to standard processes, materials, techniques, and technologies and more efficiently uses energy and natural and financial resources; and

“(B) has considered, to the maximum extent practical and as determined appropriate by the recipient, the costs and effectiveness of other design, management, and financing approaches for carrying out a project or activity for which assistance is sought under this title, taking into account the cost of operating and maintaining the project or activity over its life, as well as the cost of constructing the project or activity;

“(14) the State will use at least 15 percent of the amount of each capitalization grant received by the State under this title after September 30, 2007, to provide assistance to municipalities of fewer than 10,000 individuals that meet the affordability criteria established by the State under section 603(i)(2) for activities included on the State’s priority list established under section 603(g), to the extent that there are sufficient applications for such assistance;

“(15) treatment works eligible under section 603(c)(1) which will be constructed in whole or in part with funds made available under section 205(m) or by a State water pollution control revolving fund under this title, or both, will meet the requirements of, or otherwise be treated (as determined by the Governor of the State) under sections 204(b)(1), 211, 218, and 511(c)(1) in the same manner as treatment works constructed with assistance under title II of this Act;

“(16) a contract to be carried out using funds directly made available by a capitalization grant under this title for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services shall be negotiated in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code, or an equivalent State qualifications-based requirement (as determined by the Governor of the State); and

“(17) the requirements of section 513 will apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized under this title, or with assistance made available under section 205(m), or both, in the same manner as treatment works for which grants are made under this Act.”.

**SEC. 303. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.**

(a) PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Section 603(c) (33 U.S.C. 1383(c)) is amended to read as follows:

“(c) PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance—

“(1) to any municipality or intermunicipal, interstate, or State agency for construction of publicly owned treatment works;

“(2) for the implementation of a management program established under section 319;

“(3) for development and implementation of a conservation and management plan under section 320;

“(4) for the implementation of lake protection programs and projects under section 314;

“(5) for repair or replacement of decentralized wastewater treatment systems that treat domestic sewage;

“(6) for measures to manage, reduce, treat, or reuse municipal stormwater;

“(7) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse;

“(8) for measures to increase the security of publicly owned treatment works; and

“(9) for the development and implementation of watershed projects meeting the criteria set forth in section 122.”.

(b) EXTENDED REPAYMENT PERIOD.—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is amended—

(1) in subparagraph (A) by striking “20 years” and inserting “the lesser of 30 years or the design life of the project to be financed with the proceeds of the loan”;

(2) in subparagraph (B) by striking “not later than 20 years after project completion” and inserting “upon the expiration of the term of the loan”.

(c) FISCAL SUSTAINABILITY PLAN.—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is further amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by inserting “and” at the end of subparagraph (D); and

(3) by adding at the end the following:

“(E) for any portion of a treatment works proposed for repair, replacement, or expansion, and eligible for assistance under section 603(c)(1), the recipient of a loan will develop and implement a fiscal sustainability plan that includes—

“(i) an inventory of critical assets that are a part of that portion of the treatment works;

“(ii) an evaluation of the condition and performance of inventoried assets or asset groupings; and

“(iii) a plan for maintaining, repairing, and, as necessary, replacing that portion of the treatment works and a plan for funding such activities.”.

(d) ADMINISTRATIVE EXPENSES.—Section 603(d)(7) (33 U.S.C. 1383(d)(7)) is amended by inserting before the period at the end the following: “, \$400,000 per year, or 1/5 percent per year of the current valuation of the fund, whichever amount is greatest, plus the amount of any fees collected by the State for such purpose regardless of the source”.

(e) TECHNICAL AND PLANNING ASSISTANCE FOR SMALL SYSTEMS.—Section 603(d) (33 U.S.C. 1383(d)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”;

(3) by adding at the end the following:

“(8) to provide owners and operators of treatment works that serve a population of 10,000 or fewer with technical and planning assistance and assistance in financial management, user fee analysis, budgeting, capital improvement planning, facility operation and maintenance, equipment replacement, repair schedules, and other activities to improve wastewater treatment plant management and operations; except that such amounts shall not exceed 2 percent of grant awards to such fund under this title.”.

(f) ADDITIONAL SUBSIDIZATION.—Section 603 (33 U.S.C. 1383) is amended by adding at the end the following:

“(i) ADDITIONAL SUBSIDIZATION.—

“(1) IN GENERAL.—In any case in which a State provides assistance to a municipality or intermunicipal, interstate, or State agency under subsection (d), the State may provide additional subsidization, including forgiveness of principal and negative interest loans—

“(A) to benefit a municipality that—

“(i) meets the State’s affordability criteria established under paragraph (2); or

“(ii) does not meet the State’s affordability criteria if the recipient—

“(I) seeks additional subsidization to benefit individual ratepayers in the residential user rate class;

“(II) demonstrates to the State that such ratepayers will experience a significant hardship from the increase in rates necessary to finance the project or activity for which assistance is sought; and

“(III) ensures, as part of an assistance agreement between the State and the recipient, that the additional subsidization provided under this paragraph is directed through a user charge rate system (or other appropriate method) to such ratepayers; or

“(B) to implement an innovative or alternative process, material, technique, or technology (including low-impact technologies nonstructural protection of surface waters, a new or improved method of waste treatment, and nutrient pollutant trading) that may result in greater environmental benefits, or equivalent environmental benefits at reduced cost, when compared to a standard process, material, technique, or technology.

“(2) AFFORDABILITY CRITERIA.—

“(A) ESTABLISHMENT.—On or before September 30, 2008, and after providing notice and an opportunity for public comment, a State shall establish affordability criteria to assist in identifying municipalities that would experience a significant hardship raising the revenue necessary to finance a project or activity eligible for assistance under section 603(c)(1) if additional subsidization is not provided. Such criteria shall be based on income data, population trends, and other data determined relevant by the State.

“(B) EXISTING CRITERIA.—If a State has previously established, after providing notice and an opportunity for public comment, affordability criteria that meet the requirements of subparagraph (A), the State may use the criteria for the purposes of this subsection. For purposes of this Act, any such criteria shall be treated as affordability criteria established under this paragraph.

“(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

“(3) PRIORITY.—A State may give priority to a recipient for a project or activity eligible for funding under section 603(c)(1) if the recipient meets the State's affordability criteria.

“(4) SET-ASIDE.—

“(A) IN GENERAL.—In any fiscal year in which the Administrator has available for obligation more than \$1,000,000,000 for the purposes of this title, a State shall provide additional subsidization under this subsection in the amount specified in subparagraph (B) to eligible entities described in paragraph (1) for projects and activities identified in the State's intended use plan prepared under section 606(c) to the extent that there are sufficient applications for such assistance.

“(B) AMOUNT.—In a fiscal year described in subparagraph (A), a State shall set aside for purposes of subparagraph (A) an amount not less than 25 percent of the difference between—

“(i) the total amount that would have been allotted to the State under section 604 for such fiscal year if the amount available to the Administrator for obligation under this title for such fiscal year had been equal to \$1,000,000,000; and

“(ii) the total amount allotted to the State under section 604 for such fiscal year.

“(5) LIMITATION.—The total amount of additional subsidization provided under this subsection by a State may not exceed 30 percent of the total amount of capitalization grants received by the State under this title in fiscal years beginning after September 30, 2007.”

**SEC. 304. ALLOTMENT OF FUNDS.**

(a) IN GENERAL.—Section 604(a) (33 U.S.C. 1384(a)) is amended to read as follows:

“(A) ALLOTMENTS.—

“(1) FISCAL YEARS 2008 AND 2009.—Sums appropriated to carry out this title for each of fiscal years 2008 and 2009 shall be allotted by the Ad-

ministrator in accordance with the formula used to allot sums appropriated to carry out this title for fiscal year 2007.

“(2) FISCAL YEAR 2010 AND THEREAFTER.—Sums appropriated to carry out this title for fiscal year 2010 and each fiscal year thereafter shall be allotted by the Administrator as follows:

“(A) Amounts that do not exceed \$1,350,000,000 shall be allotted in accordance with the formula described in paragraph (1).

“(B) Amounts that exceed \$1,350,000,000 shall be allotted in accordance with the formula developed by the Administrator under subsection (d).”

(b) PLANNING ASSISTANCE.—Section 604(b) (33 U.S.C. 1384(b)) is amended by striking “1 percent” and inserting “2 percent”.

(c) FORMULA.—Section 604 (33 U.S.C. 1384) is amended by adding at the end the following:

“(d) FORMULA BASED ON WATER QUALITY NEEDS.—Not later than September 30, 2009, and after providing notice and an opportunity for public comment, the Administrator shall publish an allotment formula based on water quality needs in accordance with the most recent survey of needs developed by the Administrator under section 516(b).”

**SEC. 305. INTENDED USE PLAN.**

(a) INTEGRATED PRIORITY LIST.—Section 603(g) (33 U.S.C. 1383(g)) is amended to read as follows:

“(g) PRIORITY LIST.—

“(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, a State shall establish or update a list of projects and activities for which assistance is sought from the State's water pollution control revolving fund. Such projects and activities shall be listed in priority order based on the methodology established under paragraph (2). The State may provide financial assistance from the State's water pollution control revolving fund only with respect to a project or activity included on such list. In the case of projects and activities eligible for assistance under section 603(c)(2), the State may include a category or subcategory of nonpoint sources of pollution on such list in lieu of a specific project or activity.

“(2) METHODOLOGY.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, and after providing notice and opportunity for public comment, each State (acting through the State's water quality management agency and other appropriate agencies of the State) shall establish a methodology for developing a priority list under paragraph (1).

“(B) PRIORITY FOR PROJECTS AND ACTIVITIES THAT ACHIEVE GREATEST WATER QUALITY IMPROVEMENT.—In developing the methodology, the State shall seek to achieve the greatest degree of water quality improvement, taking into consideration the requirements of section 602(b)(5) and section 603(i)(3) and whether such water quality improvements would be realized without assistance under this title.

“(C) CONSIDERATIONS IN SELECTING PROJECTS AND ACTIVITIES.—In determining which projects and activities will achieve the greatest degree of water quality improvement, the State shall consider—

“(i) information developed by the State under sections 303(d) and 305(b);

“(ii) the State's continuing planning process developed under section 303(e);

“(iii) the State's management program developed under section 319; and

“(iv) conservation and management plans developed under section 320.

“(D) NONPOINT SOURCES.—For categories or subcategories of nonpoint sources of pollution that a State may include on its priority list under paragraph (1), the State may consider the cumulative water quality improvements associated with projects or activities in such categories or subcategories.

“(E) EXISTING METHODOLOGIES.—If a State has previously developed, after providing notice

and an opportunity for public comment, a methodology that meets the requirements of this paragraph, the State may use the methodology for the purposes of this subsection.”

(b) INTENDED USE PLAN.—Section 606(c) (33 U.S.C. 1386(c)) is amended—

(1) in the matter preceding paragraph (1) by striking “each State shall annually prepare” and inserting “each State (acting through the State's water quality management agency and other appropriate agencies of the State) shall annually prepare and publish”;

(2) by striking paragraph (1) and inserting the following:

“(1) the State's priority list developed under section 603(g);”

(3) in paragraph (4)—

(A) by striking “and (6)” and inserting “(6), (15), and (17)”; and

(B) by striking “and” at the end;

(4) by striking the period at the end of paragraph (5) and inserting “; and”; and

(5) by adding at the end the following:

“(6) if the State does not fund projects and activities in the order of the priority established under section 603(g), an explanation of why such a change in order is appropriate.”

(c) TRANSITIONAL PROVISION.—Before completion of a priority list based on a methodology established under section 603(g) of the Federal Water Pollution Control Act (as amended by this section), a State shall continue to comply with the requirements of sections 603(g) and 606(c) of such Act, as in effect on the day before the date of enactment of this Act.

**SEC. 306. ANNUAL REPORTS.**

Section 606(d) (33 U.S.C. 1386(d)) is amended by inserting “the eligible purpose under section 603(c) for which the assistance is provided,” after “loan amounts.”

**SEC. 307. TECHNICAL ASSISTANCE.**

Title VI (33 U.S.C. 1381 et seq.) is amended—

(1) by redesignating section 607 as section 608; and

(2) by inserting after section 606 the following:

**“SEC. 607. TECHNICAL ASSISTANCE.**

“(a) SIMPLIFIED PROCEDURES.—Not later than 1 year after the date of enactment of this section, the Administrator shall assist the States in establishing simplified procedures for treatment works to obtain assistance under this title.

“(b) PUBLICATION OF MANUAL.—Not later than 2 years after the date of the enactment of this section, and after providing notice and opportunity for public comment, the Administrator shall publish a manual to assist treatment works in obtaining assistance under this title and publish in the Federal Register notice of the availability of the manual.

“(c) COMPLIANCE CRITERIA.—At the request of any State, the Administrator, after providing notice and an opportunity for public comment, shall assist in the development of criteria for a State to determine compliance with the conditions of funding assistance established under sections 602(b)(13) and 603(d)(1)(E).”

**SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

Section 608 (as redesignated by section 307 of this Act) is amended by striking paragraphs (1) through (5) and inserting the following:

“(1) \$2,000,000,000 for fiscal year 2008;

“(2) \$3,000,000,000 for fiscal year 2009;

“(3) \$4,000,000,000 for fiscal year 2010; and

“(4) \$5,000,000,000 for fiscal year 2011.”

**TITLE IV—GENERAL PROVISIONS**

**SEC. 401. DEFINITION OF TREATMENT WORKS.**

Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

“(25) TREATMENT WORKS.—The term ‘treatment works’ has the meaning given that term in section 212.”

**SEC. 402. FUNDING FOR INDIAN PROGRAMS.**

Section 518(c) (33 U.S.C. 1377) is amended—

(1) by striking “The Administrator” and inserting the following:

“(1) FISCAL YEARS 1987–2006.—The Administrator”;

(2) in paragraph (1) (as so designated)—  
(A) by inserting “and ending before October 1, 2006,” after “1986,”; and

(B) by striking the second sentence; and  
(3) by adding at the end the following:

“(2) FISCAL YEAR 2007 AND THEREAFTER.—For fiscal year 2007 and each fiscal year thereafter, the Administrator shall reserve, before allotments to the States under section 604(a), not less than 0.5 percent and not more than 1.5 percent of the funds made available to carry out title VI.

“(3) USE OF FUNDS.—Funds reserved under this subsection shall be available only for grants for projects and activities eligible for assistance under section 603(c) to serve—

“(A) Indian tribes;

“(B) former Indian reservations in Oklahoma (as determined by the Secretary of the Interior); and

“(C) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).”.

#### TITLE V—STUDIES

##### SEC. 501. STUDY OF LONG-TERM, SUSTAINABLE, CLEAN WATER FUNDING.

(a) STUDY.—Not later than 30 days after the date of enactment of this Act, the Comptroller General shall commence a study of the funding mechanisms and funding sources available to establish a Clean Water Trust Fund.

(b) CONTENTS.—The study shall include an analysis of potential revenue sources that can be efficiently collected, are broad based, are related to water quality, and that support the annual funding levels authorized by the amendments made by this Act.

(c) CONSULTATION.—In conducting the study, the Comptroller General, at a minimum, shall consult with Federal, State, and local agencies, representatives of business and industry, representatives of entities operating publicly owned treatment works, and other interested groups.

(d) REPORT.—Not later than January 1, 2008, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

##### SEC. 502. FEASIBILITY STUDY OF SUPPLEMENTAL AND ALTERNATIVE CLEAN WATER FUNDING MECHANISMS.

(a) STUDY.—Not later than 30 days after the date of enactment of this Act, the Comptroller General shall commence a study of funding mechanisms and funding sources potentially available for wastewater infrastructure and other water pollution control activities under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(b) CONTENTS.—The study shall include an analysis of funding and investment mechanisms and revenue sources from other potential supplemental or alternative public or private sources that could be used to fund wastewater infrastructure and other water pollution control activities under the Federal Water Pollution Control Act.

(c) CONSULTATION.—In conducting the study, the Comptroller General, at a minimum, shall consult with Federal, State, and local agencies, representatives of business, industry, and financial investment entities, representatives of entities operating treatment works, and other interested groups.

(d) REPORT.—Not later than January 1, 2008, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

#### TITLE VI—TONNAGE DUTIES

##### SEC. 601. TONNAGE DUTIES.

(a) IN GENERAL.—Section 60301 of title 46, United States Code, is amended—

(1) in the section heading by striking “taxes” and inserting “duties”;

(2) by amending subsections (a) and (b) to read as follows:

“(a) LOWER RATE.—

“(1) IMPOSITION OF DUTY.—A duty is imposed at the rate described in paragraph (2) at each entry in a port of the United States of—

“(A) a vessel entering from a foreign port or place in North America, Central America, the West Indies Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering the Caribbean Sea; or

“(B) a vessel returning to the same port or place in the United States from which it departed, and not entering the United States from another port or place, except—

“(i) a vessel of the United States;

“(ii) a recreational vessel (as defined in section 2101 of this title); or

“(iii) a barge.

“(2) RATE.—The rate referred to in paragraph (1) shall be—

“(A) 4.5 cents per ton (but not more than a total of 22.5 cents per ton per year) for fiscal years 2006 through 2007;

“(B) 9.0 cents per ton (but not more than a total of 45 cents per ton per year) for fiscal years 2008 through 2017; and

“(C) 2 cents per ton (but not more than a total of 10 cents per ton per year) for each fiscal year thereafter.

“(b) HIGHER RATE.—

“(1) IMPOSITION OF DUTY.—A duty is imposed at the rate described in paragraph (2) on a vessel at each entry in a port of the United States from a foreign port or place not named in subsection (a)(1).

“(2) RATE.—The rate referred to in paragraph (1) shall be—

“(A) 13.5 cents per ton (but not more than a total of 67.5 cents per ton per year) for fiscal years 2006 through 2007;

“(B) 27 cents per ton (but not more than a total of \$1.35 per ton per year) for fiscal years 2008 through 2017; and

“(C) 6 cents per ton (but not more than a total of 30 cents per ton per year) for each fiscal year thereafter.”; and

(3) in subsection (c) by striking “taxes” and inserting “duties”.

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking the heading for subtitle VI and inserting the following:

“**Subtitle VI—Clearance and Tonnage Duties**”;

(2) in the headings of sections in chapter 603, by striking “TAXES” each place it appears and inserting “DUTIES”;

(3) in the heading for subsection (a) of section 60303, by striking “TAX” and inserting “DUTY”;

(4) in the text of sections in chapter 603, by striking “taxes” each place it appears and inserting “duties”; and

(5) in the text of sections in chapter 603, by striking “tax” each place it appears and inserting “duty”.

(c) CLERICAL AMENDMENTS.—Such title is further amended—

(1) in the title analysis by striking the item relating to subtitle VI and inserting the following:

“**VI. CLEARANCE AND TONNAGE DUTIES ..... 60101**”;

and

(2) in the analysis for chapter 603—

(A) by striking the items relating to sections 60301 and 60302 and inserting the following:

“60301. Regular tonnage duties.

“60302. Special tonnage duties.”; and

and

(B) by striking the item relating to section 60304 and inserting the following:

“60304. Presidential suspension of tonnage duties and light money.”.

The CHAIRMAN. No further amendment to the committee amendment is in order except those printed in part B of the report. Each further amendment

may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. STUPAK

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-36.

Mr. STUPAK. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. STUPAK:

At the end of title V of the bill, add the following (and conform the table of contents accordingly):

##### SEC. 503. GREAT LAKES WATER QUALITY.

(a) STUDY.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State and the Government of Canada, shall conduct a study of the condition of wastewater treatment facilities located in the United States and Canada that discharge into the Great Lakes.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) determine the effect that such treatment facilities have on Great Lakes water quality; and

(2) develop recommendations—

(A) to improve water quality monitoring by the operators of such treatment facilities;

(B) to establish a protocol for improved notification and information sharing between the United States and Canada; and

(C) to promote cooperation between the United States and Canada to prevent the discharge of untreated and undertreated waste into the Great Lakes.

(c) CONSULTATION.—In conducting the study, the Administrator shall consult with the International Joint Commission and Federal, State, and local governments.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under subsection (b)(2).

The CHAIRMAN. Pursuant to House Resolution 229, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Thank you, Madam Chairman.

I thank the Rules Committee for making my amendment in order. I rise today to continue to protect the Great Lakes, as it is the source of drinking water for 45 million people and the recreational and economic livelihood of the region which depends heavily on a healthy Great Lakes.

There are a large number of wastewater facilities in both the United States and Canada that discharge treated and untreated sewer water into the Great Lakes. While these facilities do everything they can to prevent polluting the Great Lakes, there are times

when untreated or undertreated wastewater is released.

Once this pollution occurs, it can be difficult to determine that a wastewater treatment facility is the source, the effects of these discharges on the Great Lakes, and the steps needed to stop the pollution and clean up any damage.

□ 1200

For example, Sault Ste. Marie, Michigan, and Sault Ste. Marie, Ontario, Canada, have faced tremendous problems with *E. coli*, coliform, and other bacteria in the water near a wastewater treatment facility in Ontario, Canada. These two cities are separated by the St. Mary's River, which connects Lake Superior to Lake Huron.

Under the direction of the EPA, the Chippewa County, Michigan, Health Department has undertaken significant monitoring of the St. Mary's River. The Ontario Ministry of Environment has also begun testing.

However, because there is disagreement about the source of the pollution, there is little to be done to correct the issue. Even though both sides are now beginning to monitor the river, a lack of communication and cooperation still presents a significant roadblock in accomplishing a solution.

My amendment would require the EPA, in consultation with the State Department and the Canadian government, to study wastewater treatment facilities that discharge into the Great Lakes. The study would include recommendations on ways to improve monitoring, information sharing and cooperation between the United States and Canada. The U.S. and Canada must work together to limit harmful wastewater discharges into the Great Lakes.

My amendment will allow the EPA to offer solutions to the notice, protocol and information sharing problems the U.S. and Canada face. By improving monitoring and communication, the U.S. and Canada can work together to solve problems created by wastewater treatment facilities discharging into the Great Lakes. The Congressional Budget Office has indicated there will not be any direct spending as a result of my amendment.

I wish to thank the staff of Transportation and Infrastructure Committee as well as the staff of the Foreign Affairs Committee and my personal staff for their assistance in crafting this amendment. I look forward to continuing with them as this legislation moves forward.

Madam Chairman, I reserve the balance of my time.

Mr. BAKER. Madam Chairman, I claim the time in opposition, although I am not in opposition to the gentleman's amendment.

The CHAIRMAN. Without objection, the gentleman from Louisiana is recognized for 5 minutes.

There was no objection.

Mr. BAKER. Madam Chairman, I would yield time to the chairman of

the full committee if he so chooses to claim time.

Mr. OBERSTAR. I thank the gentleman very much for his courtesy and if he would yield 3 minutes?

Mr. BAKER. Certainly.

Mr. OBERSTAR. I thank the gentleman.

Twenty years ago, March 3, 1987, the gentleman from Pennsylvania, Mr. Clinger, the Republican ranking member on the Subcommittee on Investigations and Oversight, which I had the privilege of chairing, and I held a hearing on this very subject, on the U.S.-Canada Great Lakes Water Quality Agreement. We observed the agreement was signed in 1972 and renewed in 1978.

It continues in perpetuity, but we observed, while progress has been made, while the Cuyahoga River no longer catches on fire, the bad news is that a great deal of that improvement is due to economic decline in the steel industry. Industries that formerly dumped waste are no longer operating.

Fish are able to survive, but now they are surviving with cancers. Some areas of the lakes where birds are deformed because of Toxiphenes and Dieldrin. Mr. Clinger and I both observed the real test of our commitment is yet to come. Will we break out of the planning and research cycle, which we have failed to do in the case of acid rain, and begin to implement protective measures which would strengthen the laws and effective remedial programs.

Some of that has been accomplished in the ensuing years. The gentleman's proposal would move us further along during this Great Lakes week that we are celebrating on Capitol Hill with our colleagues throughout the Great Lakes States. The amendment would require the Administrator of EPA, in consultation with the Secretary of State and the governor of Canada, to identify problems with the wastewater infrastructure on both sides of the Great Lakes, develop recommendations for increased notification of overflows and increased cooperation. Those are all good and valid and important initiatives which we have pursued in a bipartisan effort within our committee for, as I said, over 20 years.

The gentleman's district is the bridge between the upper Lake Superior and the lower lakes. The St. Mary's River moves 130,000 cubic feet per second, and he is astutely vigilant over water quality.

I think accepting this amendment will move the purpose of intergovernmental cooperation further along, and I assure the gentlemen on both sides, I will work with the Committee on Foreign Affairs to fashion this bill, this language further as we go to conference with the other body.

Mr. BAKER. Madam Chair, I share the comments of our Chairman. I know of no opposition on our side, and I accordingly yield back the balance of our time.

Mr. STUPAK. Let me thank Mr. BAKER and Mr. OBERSTAR for their help in support of this amendment.

Madam Chairman, we do realize we have to make some minor modifications in this amendment, and I look forward to their continued help and support in that direction. I am always amazed at the knowledge of the chairman, Mr. OBERSTAR, as he went back 20 years to recite language.

He was absolutely right about the flow of the St. Mary's river, 130,000 cubic feet per second. I am always amazed at his knowledge of the Great Lakes and his support for the Great Lakes.

All this amendment is saying is that the U.S. and Canada must work together to prevent harmful discharges into the Great Lakes. My amendment will allow the EPA to offer solutions to notice, protocol and information sharing between our two countries in the face of monitoring, communicating and eventually working together to resolve the problems created by waste charge facilities which discharge treated and untreated water into our Great Lakes. Again, no direct spending will result as a result of my amendment or in the CBO, and I encourage my colleagues to support this amendment.

Mr. LANTOS. Madam Chairman, I rise in support of H.R. 720, the Water Quality Financing Act of 2007, I would like to thank my distinguished colleague, Chairman of the Transportation and Infrastructure Committee, JAMES OBERSTAR, and my friend from Michigan, BART STUPAK, for their work on the Great Lakes Water Quality amendment.

This amendment calls for a study to examine the effect that waste water treatment facilities feeding into the Great Lakes are having on the water quality of the largest fresh water system in the world. I want to commend my good friend from Michigan for raising this important issue. I believe, however, that a study of this kind can only be conducted in collaboration with the Department of State, the International Joint Commission, which is a joint U.S.-Canada border commission, and the Government of Canada itself. We must all recognize that this study cannot be completed without cooperation from our friends north of the border. I hope that as this legislation moves through the legislative process we will be able to examine the role that the International Joint Commission can play in conducting this study and ensuring a bi-national environment open to the research needs of this examination.

I thank Representative STUPAK for bringing this important amendment to the bill. I also wish to thank Chairman OBERSTAR for agreeing to work with the Committee on Foreign Affairs as this legislation moves forward on these issues to ensure the most informative outcome for this important study.

Mr. STUPAK. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BAKER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-36.

Mr. BAKER. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BAKER:

Page 12, line 9, insert "and" after the semicolon.

Page 12, line 20, strike the semicolon and all that follows before the first period on page 13, line 3.

Page 25, line 3, strike "(6), (15), and (17)" and insert "(6) and (15)".

The CHAIRMAN. Pursuant to House Resolution 229, the gentleman from Louisiana (Mr. BAKER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. BAKER. Madam Chairman, at this time I would yield 3 minutes to the cosponsor of the amendment, Mr. KING.

Mr. KING of Iowa. I thank the gentleman from Louisiana for working so well together on this amendment.

Madam Chairman, really all this amendment does is it just stops the expansion of the Davis-Bacon, and it says we are not going to move this Davis-Bacon into a revolving fund. That is what the language that is in the underlying bill does, and this amendment simply strikes out the insertion that applies Davis-Bacon.

So what does that really mean is a question that Members need to evaluate when they are thinking about what kinds of services and what kind of work can we get done out there across America. I understand the intensity of the Louisianans here today. They have a lot at stake. That is why we brought this legislation.

In the \$14 billion cumulative total that is part of this overall bill, I know, from hands-on experience being a contractor who has bid projects both ways, Davis-Bacon and merit shop, and my average number is a 20 percent increase; there are numbers out there higher and lower, but 20 percent, this bill wastes at least \$2.8 billion. That could be projects. That could be projects that are going to help the people in this country.

That money is at least wasted, but then it goes into the revolving fund, and it pollutes the rest of those dollars that are in there. So if I do the calculation on this, we come up with a number, it will be about \$280 billion over time; 20 percent of that is \$56 billion. So we are not putting just \$2.8 billion here into the waste bin; we are putting \$56 billion perhaps into the waste bin, Madam Chair, and it keeps us from being able to get these taxpayers' resources into projects that can really help people, especially the people that so desperately need them.

I will tell you from my experience as a contractor who has worked and bid Davis-Bacon projects, I have gone into communities to bid these types of projects and had to do the bid according to the costs that are inflated into them, and had the community look at the overall bid, low bid. And I have

been low bid, have had them reject my bid because it was too high; they couldn't afford it. They would pull the bid back, repackaged the package without Davis-Bacon, and I could come in there cheaper, as did my competition, the community went without Federal dollars, as this inflated too much.

These communities went without Federal dollars because it was too expensive to use the Federal funding. That ought to tell us something. As they went back and they funded it out, they bonded it out themselves. They pulled it out of taxes. Sometimes they go back and raise private dollars because of the overall inflation that is imposed by this kind of policy. This is the one that goes in perpetuity.

You mark this revolving fund with this bill. And it isn't just these dollars, it is every single dollar that touches it from this day forward on into the future of the United States until some time comes that this Congress gets a grip, gets a hold of itself and decides we can't afford to be putting this on.

I would add also that as you have an employer and an employee, they agree what to work on. I listen to the gentleman, Mr. GEORGE MILLER, say it will keep them from making enough money to pay their health care. No, it is the other way around. It keeps us from hiring employees in year-round jobs where we provide, as the employer, the health care and retirement benefits because we can only afford to use them under these scales just for the job they have. It is inflationary. It is inefficient.

I would ask for a "yes" vote on the Baker-King amendment.

Mr. OBERSTAR. Madam Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Madam Chairman, I yield myself 1½ minutes.

This is an issue on which there is a genuine disagreement on both sides of the aisle and within the committee, and a deeply felt view on each side.

I think it is instructive, however, to look at the history of Davis-Bacon, which originated, actually, in 1927, on Long Island, a district represented by Congressman Robert L. Bacon, Republican of New York, who said wages are fair, and there has been no difficulty in the buildings grades between employer and employee for quite some time. But he was upset when a contractor came to him who had bid on construction of a federally funded hospital on Long Island and noted that the contract was awarded to an Alabama firm that came into Long Island with low-wage workers, whom he housed in tents on the property and underbid local contractors.

He said, that's not right, you have to help us stop these underbidding contractors from coming in and taking away local jobs. He, Bacon, introduced legislation that did not inflate wages, as he said, artificially, but assured that

government respects the existing local standard.

A few years, a year later, the Secretary of Labor, James Davis, supported that bill. By March 3, 1931, Davis had left labor, got elected to the Senate, and the two of them authored this legislation. It was signed into law March 3, 1931, by President Herbert Hoover.

Mr. BAKER. May I inquire as to the time remaining.

The CHAIRMAN. Two minutes are remaining.

Mr. BAKER. I claim the remaining time.

I certainly respect the chairman's knowledge and views of these matters and appreciate that on 95 percent of the issues before the committee, we are generally in unanimity.

On this particular point, I would like to bring the issue to that of the individual who is trying to rebuild their home in the difficult area of south Louisiana. Materials are short, workmen are hard to find. Do we really want to tell an individual trying to rebuild their personal home, you are going to have to meet a government wage rate in order to build this house or else you cannot build it? This is about government injecting itself into a free market process, all for no apparent reason that is clear to me.

It will make the compliance of the rules for the rural and lower income communities much more difficult to achieve. Compliance with the Davis-Bacon provisions is a difficult and cumbersome task.

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And where we have low-income communities, where resources are greatly limited, we are now going to require additional regulatory burden and a higher wage rate that is artificial to further inhibit the ability of that community rebuild. We wouldn't contemplate having that set of requirements on the individual trying to rebuild their own home, but yet we are going to force that set of standards on communities across this Nation, even where States have no Davis-Bacon provisions at the State level at all. And that I think is the most troublesome aspect of the implementation of the proposal as constructed. Eighteen States have chosen not to require a Davis-Bacon implementation, and yet we here in the Congress by virtue of the State revolving infrastructure fund are going to require those States now to comply with these new standards. I hope Members will carefully consider the consequences of this amendment and vote for the Baker-King amendment.

Mr. OBERSTAR. Madam Chair, I yield 2 minutes to the chair of the subcommittee, Ms. EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I strongly oppose the Baker-King amendment. I am from a working family, and I stand

with the American workers. The amendment would strip the prevailing wages protection from the bill.

Since 1931, the Davis-Bacon Act has provided a living wage for American workers, and as the authors of the Davis-Bacon Act knew then and as we continue to know today, the greatest way to improve the quality of life for our Nation's workers is for the Nation as a whole to provide workers with an honest living for an honest day's work.

We save nothing when we give people little pay or we pay it through other sources, by more taxes, more welfare rolls. I would much rather have people working.

It has been well documented by this committee that every \$1 billion invested in transportation and water infrastructure creates 40,000 jobs. As of today, 31 States have enacted their own prevailing wage laws of publicly funded construction projects. And you check this with me: Those States that are against it have more poor people than the ones that have it. In some of these States, prevailing wage laws result in even higher wages to workers than if the Federal Davis-Bacon were alone, in effect. Studies have shown that the prevailing wage protections offered by Davis-Bacon in fact attracts better workers with more experience and training who are more productive than the less experienced, less trained workers. So it really saves money in the long run.

We need not to interfere with the Davis-Bacon provision. I support this bill.

Mr. OBERSTAR. Madam Chair, I yield myself the balance of my time.

In 1930, as the Davis-Bacon language was being shaped and debated in the Senate and in the House, Senator Davis of Pennsylvania, a Republican, and Congressman Bacon of New York, a Republican, said: The essence is this. Is the government willing, for the sake of the lowest bidder, to break down all labor standards and have its work done by the cheapest labor that can be secured and shipped from State to State?

When the bill was taken up at the Senate, Robert LeFollette, chairman of the Committee on Manufacturers, the Republican chairman of the committee, noted that practices were not only disturbing to labor but disturbing to the business community as well and urged that this measure be speedily enacted. It does not require the government to establish new wage scales; it merely gives the government power to require its contractors to pay the prevailing wage scales in the vicinity of the building projects.

Now, the prevailing wage scale in the vicinity of building projects in Louisiana, for example, an average common laborer gets \$7.86 an hour. That is the prevailing wage. I don't know how you save any more money by going lower than \$7.86 an hour. The average well driller in Louisiana is paid \$11.40 an hour. I don't know how you get much lower than that in order to save money.

This Davis-Bacon provision is prevailing, not union wage. If I could, I would support in law the union wage, but we are not doing that. It is the prevailing local wage. I urge defeat of the amendment.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Louisiana (Mr. BAKER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BAKER. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

#### AMENDMENT NO. 3 OFFERED BY MR. HALL OF NEW YORK

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110-36.

Mr. HALL of New York. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HALL of New York:

Page 23, line 9, strike "and whether such" and insert ", whether such".

Page 23, line 11, insert before the period at the end the following: ", and whether the proposed projects and activities would address water quality impairments associated with existing treatment works".

The CHAIRMAN. Pursuant to House Resolution 229, the gentleman from New York (Mr. HALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. HALL of New York. Madam Chair, I yield myself such time as I may consume.

I rise today with my esteemed colleague from Oregon to offer an amendment that will help communities across the country pay for wastewater projects, protect their environment and preserve their open spaces by combating sprawl.

Today's action on the underlying bill comes not a moment too soon. Nationwide, there is over a \$300 billion shortfall in funding for wastewater projects. In my district, we have \$500 million in projects that can't get funding just because the dollars aren't there.

Communities in the Hudson Valley and elsewhere are also trapped in a battle to balance the booming population with the preservation of water resources and open spaces.

By requiring States to prioritize spending of revolving loan funds of moneys on existing projects, this amendment will help address both of these challenges by helping to bolster existing communities, instead of haphazardly subsidizing the building of new developments.

There is an old adage that says, "Work smarter, not harder." For many

of our rural and suburban and rural communities, the only way to accommodate growth without sacrificing precious open space is to build smarter, not wider. Targeting moneys to projects that will help existing communities provide expanded and improved water treatment will meet that test. Without a smart growth strategy, the loss of open spaces, runoff created by the change from soil to pavement and other impacts will wreak havoc on our environment.

If we don't take aggressive action to make smart growth the guiding principle of development, we will end up squandering our resources, jeopardizing our health, and damaging our economy.

The amendment will also do one thing that I think, quite frankly, the Federal Government should be doing more of, giving property taxpayers and municipalities much needed relief.

Madam Chairman, I reserve the balance of my time.

Mr. BAKER. Madam Chair, I rise to claim the time in opposition, although I am not in opposition.

The CHAIRMAN. Without objection, the gentleman from Louisiana is recognized for 5 minutes.

There was no objection.

Mr. BAKER. Madam Chair, I reserve the balance of my time.

Mr. HALL of New York. I yield the balance of my time to my colleague from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I must say I have enjoyed the opportunity to work with him on this amendment.

Madam Chair, it is a pleasure to see the people; I feel a little angst not being on the Transportation Committee, I must say, and I keep gravitating down to the floor because of the important work that is being done.

I deeply appreciate Congressman HALL's work in the water resource area. I know he comes from an area that is challenged in terms of water resources and environmental threats and has long been a leader before he came to Congress. I deeply appreciate his leadership in this regard, and I was pleased to partner with him on this amendment because it will strengthen the bill to target effectiveness and support where the needs are greatest. As Mr. HALL mentioned, there is a deep concern that we target the resources where they will make the most difference.

There is another adage that I would offer up, and that is, "Fix it first." We are dealing with an aging water infrastructure problem that is hundreds of billions of dollars, national in scope. The work that the Transportation Infrastructure Committee has done already in the last 12 weeks is moving us forward on an aggressive agenda. But by being able to target this money in areas where the need is the greatest, not to add to the inventory that is already overloaded, I think is an important area of priority.

I look forward to the approval of this amendment, working with the gentleman, working with the committee, working with our other colleagues. We have massive problems around the country where we need to be focusing; and I note my friend and colleague from Louisiana there, we have got unfinished business there as well. And the extent to which we are able to work in the Transportation and Infrastructure Committee and in this Congress to be able to put the dollars where they will do the most good is important.

Being able to have thoughtful infrastructure investment in ways that reinforce smart growth, where it needs to be, where it will have the most impact, is an important principle. I am pleased that, with the adoption of this amendment, we will be able to enshrine it in this legislation, and I hope that it finds its way in the work that will come forward with this committee throughout the course of this Congress.

Mr. HALL of New York. Madam Chair, I yield the balance of my time to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Chair, this language reinforces or adds an additional provision to section 305(b) of the act before us today. Section 602(b) reaffirms the deadlines, goals and requirements of the Clean Water Act, fishable-swimmable water goals. Section 603 deals with the affordability. And we have already prioritized in the basic legislation targeting funds to lower income communities to ensure that they get their fair share. This language will just take that affordability language one step further and impose on States the requirement to give full, fair consideration to projects that deal with immediate needs rather than adding capacity before you consider adding capacity.

Mr. BAKER. Having no objection to the amendment, I yield back all time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New York (Mr. HALL).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PLATTS

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110-36.

Mr. PLATTS. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PLATTS:  
Page 12, line 7, insert "204(a)(6)," before "204(b)(1)."

The CHAIRMAN. Pursuant to House Resolution 229, the gentleman from Pennsylvania (Mr. PLATTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PLATTS. Madam Chair, the adoption of this amendment would help

to ensure sufficient competition among the designers and manufacturers of water and wastewater treatment equipment across the country. It is premised on the idea that small firms ought to have the same chance at bidding on a project as large firms. In addition, with there being a critical need to upgrade our water and sewer infrastructure, requiring States to ensure a full and open competition would likely reduce the cost of the program and help finance additional and much needed projects.

This amendment would simply provide that, "No specification for bids shall be written in such a manner as to contain proprietary, exclusionary or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment."

The amendment further provides that, "When in the judgment of the grantee, it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a 'brand name or equal' description may be used as a means to define the performance or other salient requirements of a procurement, and in doing so the grantee may not establish existence of any source other than the brand or source so named."

□ 1230

The language found in this amendment is the same competition requirement that was applied to grants provided under title II of the Federal Water Pollution Control Act. While not identical, it is also very similar to a competition requirement adopted by my home State of Pennsylvania for its revolving fund.

I appreciate the Rules Committee having made the amendment in order, and I urge a "yes" vote.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chair, I rise to ask unanimous consent to claim time in opposition to the amendment, though I am not in opposition to it.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Madam Chairman, the gentleman's amendment would include an additional requirement on State revolving loans on authorities not previously part of the State Revolving Loan Fund Program. The provision of section 204(a)(6) of the Clean Water Act is a longstanding title II construction grants requirement. We don't have construction grants any more, since 1987, that does require "full and open bid competition for the construction of publicly owned treatment works."

The gentleman's amendment would prohibit financial assistance recipients

from including bid specs that contain proprietary, exclusionary, discriminatory requirements, other than those based on performance.

I have asked the staff to review and I, myself, have reviewed the Federal acquisition regulations which are generic to the Federal Government. These requirements for full and open bid competition are in place. They do generically apply to provisions of the Clean Water Act.

However, I think it is appropriate and is not confusing, nor is it in opposition to the Federal acquisition regulations, to include the gentleman's amendment. Therefore, we accept the gentleman's amendment.

Madam Chairman, I reserve the balance of my time.

Mr. PLATTS. Madam Chairman, I appreciate the chairman's acceptance of the amendment and the work of his staff, as well as the ranking member of the full committee and the chairman and ranking member of the subcommittee. And, again, I appreciate their consideration and acceptance of the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. HIRONO

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110-36.

Ms. HIRONO. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. HIRONO:  
Page 6, line 21, strike the closing quotation marks and the final period.

Page 6, after line 21, insert the following:

"(4) INTEGRATED WATER RESOURCE PLAN.—The development of an integrated water resource plan for the coordinated management and protection of surface water, ground water, and stormwater resources on a watershed or subwatershed basis to meet the objectives, goals, and policies of this Act."

The CHAIRMAN. Pursuant to House Resolution 229, the gentlewoman from Hawaii (Ms. HIRONO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HIRONO. Madam Chair, my amendment will add another allowable use of funds under section 103, Watershed Pilot Projects, to assist communities in developing integrated water resource plans for the coordinated management and protection of surface water, ground water and storm water resources on a watershed or subwatershed basis. The amendment does not add to the cost of the bill; it simply provides another option for communities in use of the grants funds.

It is important that communities look at the inner relationship between each of these water systems when devising management and protection plans. Management of storm water can certainly have an impact on the quality of surface waters, and the quality of surface water has an effect on the quality and safety of ground water.

This approach is very much in line with Hawaiian traditions of land management. The traditional Hawaiian land management unit, the ahupua'a, goes from the top of the mountain to the sea. Ancient Hawaiians understood that what happened on the mountain would affect resources at lower elevations, in coastal areas, and even in the ocean. The watershed model of natural resource management is a modern equivalent of the Hawaiian ahupua'a system.

It is important that we move to a more holistic way of looking at how our water systems interact. I ask my colleagues to support this amendment to provide communities with an opportunity to develop such integrated plans.

Madam Chairman, I reserve the balance of my time.

Mr. BAKER. Madam Chair, I rise to claim the time in opposition, although I am not in opposition and therefore ask for unanimous consent for that purpose.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BAKER. Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Can I ask the gentleman if he could yield me 1 minute.

Mr. BAKER. I would be happy to yield the chairman 1 minute.

Mr. OBERSTAR. Madam Chairman, I thank the gentleman, and I want to thank the gentlelady for her amendment which reinforces a longstanding practice of this committee to deal with water resource needs on a watershed basis.

This watershed pilot project eligibility will greatly advance the cause of clean water and water availability.

The U.S. Geological Survey observed most recently there are clear connections between surface water, ground water, and the precipitation events that reach these areas. In our area, precipitation is snow. In Hawaii and Louisiana, it is rain. And impact on these water resources, whether through unchecked sources of pollution, wastewater, can have significant effects on the sources of water.

So the gentlelady's amendment will give an additional tool for communities to perfect and strengthen their planning for the best use and management of existing water resources, and we are happy to accept the amendment.

Mr. BAKER. Madam Chair, I have no further speakers. And having no objection, I yield back the balance of my time.

Ms. HIRONO. Madam Chair, I yield back the rest of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. WHITFIELD

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110-36.

Mr. WHITFIELD. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. WHITFIELD:

At the end of title I, insert the following (and conform the table of contents accordingly):

**SEC. 104. POOL ELEVATION PILOT PROGRAM.**

(a) PILOT PROGRAM.—Notwithstanding any other provision of Federal law, beginning in the first July after the date of enactment of this Act, the Army Corps of Engineers, together with any other Federal agency that has the authority to change the pool elevation of Lake Barkley, Kentucky, shall establish and conduct a pilot program that, under normal weather conditions, extends the summer pool elevation of 359 feet on such lake from the current draw down date of July 1 until after the first Monday in September.

(b) PILOT PROGRAM DURATION.—Except as provided in subsection (d), the pilot program shall terminate on the first Monday in September two years after the pilot program begins.

(c) EVALUATION AND RECOMMENDATIONS.—Not later than 60 days after the first Monday in September two years after the pilot program begins, the Chief of Engineers of the Army Corps of Engineers shall evaluate the effectiveness of extending the pool elevation on Lake Barkley, Kentucky, under subsection (a) and report to the appropriate committees of Congress their findings, including any recommendations, regarding the extension of time for such lake elevation.

(d) CONTINUATION.—If the Army Corps of Engineers determines that the pilot program under this section is effective, the Corps shall continue the summer elevation of 359 feet on Lake Barkley, Kentucky, through the first Monday in September each year.

The CHAIRMAN. Pursuant to House Resolution 229, the gentleman from Kentucky (Mr. WHITFIELD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD. Madam Chairman and members of the committee, I am offering this amendment today to simply create a 2-year pilot program to extend the summer pool at Lake Barkley, which is located in my district in western Kentucky.

Now, I would reiterate that this amendment does not do anything in a permanent nature, but simply asks for a 2-year pilot project.

Lake Barkley is one of those very shallow dams throughout the country. At the summer pool, the level is 359 feet.

Now, when Lake Barkley was created, in order to create it, a number of

small communities in western Kentucky were flooded in the 1960s. And even today, despite the extensive use of this lake, old foundations, streets, highways and railroads are still visible in shallow areas in the lake. And when the Corps begins drawing down the summer pool, moving to the winter pool, they begin on July 1, right in the middle of summer season. As a result of that, it has created an unusually dangerous situation for recreational users of the lake, particularly boaters. And we have had significant and many serious accidents on this lake because of boats hitting tree stumps, old road beds and other obstructions. Just last August, a boating accident occurred, resulting in two fatalities, severely injuring three other people, which is just one example of how dangerous this early lowering of the lake can be.

In addition, recreation at the lake in the summer generates millions of dollars for a lot of small businessmen and women. And as I said, the fact that the Corps begins going to the winter pool in July, it does create significant issues for that area.

And so as I said, this amendment simply asks the Corps to extend that summer pool level of 359 feet from July until around Labor Day.

Now, it is my understanding that the chairman and other members of the committee, through information I received from staff, would prefer that I not offer this amendment today. And I am going to withdraw the amendment. But I would ask the chairman and the other members of the committee to please work with me. I would ask them to work with me to explore opportunities to address this problem in western Kentucky affecting Lake Barkley through either, one, considering my freestanding bill that establishes this 2-year project at the committee, or working with me maybe on the WRDA bill. Or I would not even object if the chairman wanted to consider this at the conference with the Senate.

But I am simply asking, and I will withdraw the amendment, and would ask the chairman and the members of the committee to work with me to try to address this unique problem affecting Lake Barkley.

Mr. OBERSTAR. Would the gentleman yield if he has time remaining?

Mr. WHITFIELD. I yield to the chairman.

Mr. OBERSTAR. The gentleman, in years past, has been very participatory in the work of our committee. Notably, on railroad issues several years ago the gentleman took the lead on a very contentious issue, and we have greatly appreciated his contribution then and want to work with the gentleman.

The amendment would implement the change to the elevation pool before completion of the environmental assessment.

We have the Water Resources Development Act ready, I think, to move within 2 weeks or so. I would like to join with the gentleman in

Norton  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascrell  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Petri  
Pomeroy  
Porter  
Price (NC)  
Rahall  
Rangel  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Rodriguez  
Ros-Lehtinen  
Roskam  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
T. Sanchez, Loretta  
Sarbanes  
Saxton  
Schakowsky  
Schiff  
Schmidt  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shays  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Solis  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Terry  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh (NY)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Weller  
Wexler  
Whitfield

Wilson (OH)	Wu	Yarmuth
Woolsey	Wynn	Young (AK)

## NOT VOTING—18

Bachus	Ellison	Millender-
Bono	Eshoo	McDonald
Boren	Fortuño	Moore (WI)
Calvert	Hunter	Neugebauer
Camp (MI)	Larson (CT)	Nunes
Davis, David	Marchant	Reynolds
Davis, Jo Ann		

□ 1313

Messrs. CHANDLER, ROTHMAN, AL GREEN of Texas, HINCHEY, OBEY and Ms. HOOLEY changed their vote from "aye" to "no."

Mr. EHLERS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. ELLISON. Madam Chairman, on rollcall No. 133, had I been present, I would have voted "no."

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LYNCH) having assumed the chair, Ms. SOLIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 720) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes, pursuant to House Resolution 229, she reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CANTOR

Mr. CANTOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CANTOR. In its present form, yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cantor moves to recommit the bill H.R. 720 to the Committee on Transportation and Infrastructure with instructions to report back the same forthwith with the following amendment:

At the end of the bill, add the following (and conform the table of contents accordingly):

# **TITLE VII—SECURE MARITIME AND VESSEL WORKFORCE**

## **SEC. 701. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.**

No individual who has been issued a transportation worker identification card may board a maritime vessel if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

(1) Espionage or conspiracy to commit espionage.

(2) Sedition or conspiracy to commit sedition.

(3) Treason or conspiracy to commit treason.

(4) A crime listed in chapter 113B of title 18, United States Code, a comparable State law, or conspiracy to commit such crime.

(5) A crime involving a transportation security incident. In this paragraph, a transportation security incident—

(A) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46, United States Code); and

(B) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

(6) Improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law.

(7) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, United States Code, explosive materials (as defined in section 841(c) of such title 18), or a destructive device (as defined in 921(a)(4) of such title 18).

(8) Murder.

(9) Conspiracy or attempt to commit any of the crimes described in paragraphs (5) through (8).

(10) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in paragraphs (4) and (8).

Mr. CANTOR (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. OBERSTAR. Mr. Speaker, I object to dispensing with the reading. We have only just now received this language and I insist on the reading of the language.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued reading the motion to recommit.

□ 1315

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. CANTOR. Mr. Speaker, this motion to recommit is designed to be a substantive enhancement to the underlying Secure Maritime and Vessel Workforce bill.

I think the other side has demonstrated on two occasions this week

that they are inclined to work across the aisle and accept substantive improvements to the bill.

What this motion to recommit does, it is intended to protect our maritime workforce, our national security, and ultimately the ports that serve and provide commerce to our great Nation. The language of the motion to recommit ensures that individuals that have been convicted of felonies are not able to board maritime vessels using transportation security cards. Now these felonies includes espionage, treason, sedition, murder, racketeering, crimes dealing with explosives or incendiary devices. These are individuals convicted of these felonies that frankly have an underlying purpose to harm Americans.

Clearly, individuals convicted of these type of felony crimes pose a security risk to America and its citizens.

We need to keep our ports safe and secure, and to do that, we must keep our maritime vessels safe and secure.

Mr. Speaker, I urge a "yes" vote.

Mr. OBERSTAR. Mr. Speaker, I rise to claim the time in opposition to the motion, although I don't know whether I am in opposition at this time.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, first of all, I would like to observe and I appreciate the gentleman's comment about our side accepting amendments from the minority, and we have done that mostly where there has been prior consultation and discussion. In this case, this language was not available to our majority members on the committee until just prior to when it was offered on the floor.

I inquire of the offeror his explanation on page 2, subsection (4), "A crime listed in chapter 113B of title 18," what is that language? Can the gentleman read me the language of the U.S. Code?

I yield to the gentleman.

Mr. CANTOR. I would ask the gentleman to repeat that again.

Mr. OBERSTAR. It is his amendment. On page 2 of the gentleman's amendment, "(4) A crime listed in chapter 113B of title 18, U.S. Code," what does that refer to?

I have been able in just these few minutes to get chapter 113 but not B.

Mr. CANTOR. I would respond to the gentleman that the section cited on page 2, subsection (4), line 1 of the bill, is a section of the U.S. Code dealing with terrorism.

And again, the underlying—

Mr. OBERSTAR. Reclaiming my time, I want to know what the language is. The gentleman is offering an amendment. If he is serious about it, then he ought to have the language.

Mr. CANTOR. I would say to the gentleman again, this is a section of the U.S. Code that deals with acts of terrorism against the United States and its citizens.

The underlying purpose, again, of the motion to recommit is to ensure the safety of our—

Mr. OBERSTAR. Mr. Speaker, reclaiming my time. Reclaiming my time, the gentleman has not been able to answer my question.

I was the author in our committee of the Port Security Act, along with the gentleman from Alaska (Mr. YOUNG). We had carefully crafted language that set standards for security clearance for maritime workers. We did not have any reference to chapter 113B. The transportation security workers card has not yet been issued. The readers for that card have not yet been put in place by the Transportation Security Administration.

The standards, apart from this provision that the gentleman lists here, generally are covered in the background checks required in our Port Security Act for maritime workers.

But this is very vague language in number (4). It is specific to a provision of U.S. Code, but the gentleman cannot explain to me what it is.

And then “(5), A crime involving a transportation security incident,” dropping down to subsection “(A) is a security incident resulting in a significant loss of life,” we don’t know where that language comes from.

Mr. Speaker, we should not amend the Port Security Act on 30 seconds notice. There may be very good and valid provisions of this motion to recommit that we might very well be in support of, but only in due course, only in a proper forum. To come up here 30 seconds before the motion is offered and lay on the body this language without having the backup for it I think is inappropriate, and I object to the process. I object to the procedure that has been followed, not perhaps to the substance of it.

Our committee is fully prepared to deal with this issue in due course and give it full and thorough consideration, but not here, not in this context.

Mr. CANTOR. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Virginia.

Mr. CANTOR. Mr. Speaker, I would say to the gentleman, I find it very difficult to understand how the gentleman can refer to an abuse of process on this side of the aisle. I hardly—

Mr. OBERSTAR. You should be very well accustomed to it; you did it for 12 years.

Mr. CANTOR. Mr. Speaker, the gentleman has yielded.

So what we are talking about here is the substantive—

Mr. OBERSTAR. Is the gentleman going to explain 113B?

Mr. CANTOR. Absolutely, Mr. Speaker.

Mr. OBERSTAR. Read it. Read the language.

Mr. CANTOR. I would tell the gentleman, dealt with—

Mr. OBERSTAR. Read it.

I do not yield further. I do not yield further.

#### POINT OF ORDER

Mr. ISSA. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. ISSA. Point of order. My understanding of the rules is that we cannot have Members speaking to each other. Mr. Speaker, my understanding is this colloquy was not allowed. Mr. Speaker, can we please admonish people to address the Speaker.

The SPEAKER pro tempore. The gentleman has not stated a timely point of order, but it is correct that remarks should be addressed to the Chair and not in the second person.

All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. CANTOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 359, noes 56, not voting 18, as follows:

[Roll No. 134]

#### AYES—359

Ackerman  
Aderholt  
Akin  
Alexander  
Allen  
Altmire  
Andrews  
Baca  
Bachmann  
Baird  
Baker  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bonner  
Boozman  
Boswell  
Boucher  
Boustany  
Boyd (FL)  
Boyd (KS)  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Campbell (CA)  
Cannon  
Cantor  
Capito

Capuano  
Cardoza  
Carnahan  
Carney  
Carson  
Carter  
Castle  
Castor  
Chabot  
Chandler  
Clay  
Cleaver  
Coble  
Cohen  
Cole (OK)  
Conaway  
Cooper  
Costa  
Costello  
Courtney  
Cramer  
Crenshaw  
Cubin  
Cuellar  
Culberson  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (KY)  
Davis, Lincoln  
Davis, Tom  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Donnelly  
Doolittle  
Doyle  
Drake  
Dreier  
Duncan  
Edwards  
Ehlers  
Ellison

Ellsworth  
Emerson  
Engel  
English (PA)  
Etheridge  
Everett  
Fallin  
Farr  
Fattah  
Feeney  
Ferguson  
Flake  
Forbes  
Fortenberry  
Fossella  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gillibrand  
Gillmor  
Gingrey  
Gohmert  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
Green, Al  
Grijalva  
Gutierrez  
Hall (NY)  
Hall (TX)  
Hare  
Harman  
Hastert  
Hastings (FL)  
Hastings (WA)  
Heller  
Hensarling  
Henger  
Herseth  
Higgins  
Hill  
Hinojosa

Hobson  
Hodes  
Hoekstra  
Holden  
Holt  
Hooley  
Hulshof  
Inglis (SC)  
Inslee  
Israel  
Issa  
Jackson-Lee  
(TX)  
Jindal  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Jordan  
Kagen  
Kaptur  
Keller  
Kennedy  
Kildee  
Kilpatrick  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Klein (FL)  
Kline (MN)  
Knollenberg  
Kuhl (NY)  
LaHood  
Lamborn  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Latham  
LaTourette  
Levin  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Lungren, Daniel  
E.  
Lynch  
Mack  
Mahoney (FL)  
Maloney (NY)  
Manzullo  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul (TX)  
McCollum (MN)  
McCotter  
McCrery  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre

McKeon  
McMorris  
Rodgers  
McNerney  
McNulty  
Meehan  
Meek (FL)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mitchell  
Mollohan  
Moore (KS)  
Moran (KS)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Musgrave  
Myrick  
Nadler  
Neal (MA)  
Obey  
Ortiz  
Pallone  
Pastor  
Paul  
Pearce  
Pence  
Perlmutter  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pomeroy  
Porter  
Price (GA)  
Price (NC)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Ramstad  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roskam  
Ross  
Rothman  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sali  
Sanchez, Loretta  
Sarbanes

#### NOES—56

Abercrombie  
Arcuri  
Bishop (GA)  
Bishop (NY)  
Brown, Corrine  
Capps  
Clarke  
Clyburn  
Conyers  
Crowley  
Davis (IL)  
Dingell  
Doggett  
Emanuel  
Filner  
Frank (MA)  
Gilchrest  
Green, Gene  
Hinchey

Hirono  
Honda  
Hoyer  
Jackson (IL)  
Jefferson  
Johnson (GA)  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kucinich  
Lee  
Lewis (GA)  
Meeks (NY)  
Miller, George  
Moran (VA)  
Murtha  
Napolitano  
Oberstar  
Oliver

Saxton  
Schakowsky  
Schiff  
Schmidt  
Schwartz  
Scott (GA)  
Sensenbrenner  
Sessions  
Sestak  
Shadegg  
Shays  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Space  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tancredo  
Tanner  
Tauscher  
Taylor  
Terry  
Thompson (CA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Visclosky  
Walberg  
Walden (OR)  
Walsh (NY)  
Walz (MN)  
Wamp  
Wasserman  
Schultz  
Waters  
Weiner  
Welch (VT)  
Weldon (FL)  
Weller  
Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (OH)  
Wilson (SC)  
Wolf  
Wu  
Wynn  
Yarmuth  
Young (FL)

#### NOT VOTING—18

Bachus  
Berman  
Boehner

Bono  
Boren  
Calvert

Camp (MI)  
Davis, David  
Davis, Jo Ann

Eshoo  
Hayes  
Hunter  
Larson (CT)

Marchant  
Millender-  
McDonald  
Moore (WI)

Neugebauer  
Nunes

□ 1408

Messrs. BISHOP of Georgia, MEEKS of New York, GEORGE MILLER of California, SERRANO, TOWNS and Ms. VELAZQUEZ changed their vote from "aye" to "no."

Mrs. MALONEY of New York, Messrs. CUELLAR, MCNULTY and PRICE of north carolina, Ms. HOOLEY, Ms. LORETTA SANCHEZ of California, Ms. SHEA-PORTER, Messrs. WALZ of MINNESOTA, HARE and LANGEVIN, Ms. ZOE LOFGREN of California, Messrs. FATTAH, BOSWELL, LEVIN, BERRY, LYNCH and SARBANES, Ms. SUTTON, Ms. DEGETTE, Messrs. POMEROY, BRALEY of Iowa, CARDOZA, NEAL of Massachusetts and WU, Ms. DELAURO, Ms. SCHWARTZ, Mr. LINCOLN DAVIS of Tennessee, Mrs. MCCARTHY of New York, Messrs. BRADY of Pennsylvania, MITCHELL, ELLISON, COHEN, WELCH of Vermont, HOLDEN, SKELTON, VAN HOLLEN and DOYLE, Ms. HARMAN, Messrs. LIPINSKI, COSTELLO, TIERNEY, KIND, LARSEN of Washington, ALLEN, PATRICK J. MURPHY of Pennsylvania, SESTAK, DELAHUNT, ROSS, CAPUANO, KILDEE, CARNAHAN, ISRAEL, MEEK of Florida, PASTOR, UDALL of New Mexico, SCOTT of Georgia, MARKEY, BACA, SCHIFF and RAHALL, Ms. CASTOR, Messrs. MCNERNEY, STUPAK, SIREs, GUTIERREZ, ORTIZ, CUMMINGS, MURPHY of Connecticut, HINOJOSA, OBEY, THOMPSON of California, GRIJALVA, KENNEDY, DICKS, RODRIGUEZ, REYES and ANDREWS, Ms. ROYBAL-ALLARD, Messrs. ACKERMAN, RYAN of Ohio, HASTINGS of Florida, PALLONE, HOLT and MCGOVERN, Ms. JACKSON-LEE of Texas, Mrs. LOWEY, Mr. DAVIS of Alabama, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Mr. BUTTERFIELD, Ms. KILPATRICK, Mr. BECERRA, Mr. WYNN, Ms. MATSUL, Mr. MCDERMOTT, Mrs. TAUSCHER, Ms. SOLIS, Messrs. MOLLOHAN, FARR, HIGGINS and MICHAUD, Ms. SCHAKOWSKY, Ms. KAPTUR, Ms. CARSON, Messrs. AL GREEN of Texas, CLEAVER, BLUMENAUER, GONZALEZ, CLAY, RUPPERSBERGER, VISCLOSKY, Ms. WASSERMAN SCHULTZ, Mr. COOPER and Mr. SHERMAN changed their vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. OBERSTAR. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 720, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of the bill, add the following (and conform the table of contents accordingly):

## TITLE VII—SECURE MARITIME AND VESSEL WORKFORCE

### SEC. 701. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

No individual who has been issued a transportation worker identification card may board a maritime vessel if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

(1) Espionage or conspiracy to commit espionage.

(2) Sedition or conspiracy to commit sedition.

(3) Treason or conspiracy to commit treason.

(4) A crime listed in chapter 113B of title 18, United States Code, a comparable State law, or conspiracy to commit such crime.

(5) A crime involving a transportation security incident. In this paragraph, a transportation security incident—

(A) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46, United States Code); and

(B) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

(6) Improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law.

(7) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, United States Code, explosive materials (as defined in section 841(c) of such title 18), or a destructive device (as defined in 921(a)(4) of such title 18).

(8) Murder.

(9) Conspiracy or attempt to commit any of the crimes described in paragraphs (5) through (8).

(10) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in paragraphs (4) and (8).

Mr. OBERSTAR (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 303, nays 108, not voting 22, as follows:

Abercrombie  
Ackerman  
Alexander  
Allen  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baker  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berry  
Biggart  
Bilbray  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Boucher  
Boyd (FL)  
Boyda (KS)  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Burton (IN)  
Butterfield  
Buyer  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson  
Castle  
Castor  
Chandler  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis, Lincoln  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Donnelly  
Doolittle  
Doyle  
Drake  
Edwards  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
English (PA)  
Etheridge  
Farr  
Fattah  
Ferguson  
Filner  
Fortenberry  
Fossella  
Frank (MA)  
Gallegly  
Gerlach  
Giffords  
Gilchrest  
Gillibrand  
Gillmor  
Gonzalez

[Roll No. 135]  
YEAS—303

Gordon  
Graves  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastert  
Hastings (FL)  
Hastings (WA)  
Herseth  
Higgins  
Hill  
Hinchey  
Hinojosa  
Hirono  
Hobson  
Hodes  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Hulshof  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick  
Kind  
King (NY)  
Kirk  
Klein (FL)  
Kucinich  
Kuhl (NY)  
LaHood  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
LaTourette  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebsock  
Lofgren, Zoe  
Lowey  
Lynch  
Mahoney (FL)  
Maloney (NY)  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCaul (TX)  
McCollum (MN)  
McCotter  
McDermott  
McGovern  
McHugh  
McIntyre  
McMorris  
Rodgers  
McNerney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moran (VA)  
Murphy (CT)

Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascrell  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Platts  
Pomeroy  
Porter  
Price (NC)  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rodriguez  
Rogers (KY)  
Rohrabacher  
Ros-Lehtinen  
Roskam  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Saxton  
Schakowsky  
Schiff  
Schmidt  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shays  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (WA)  
Snyder  
Solis  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Terry  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh (NY)  
Walz (MN)  
Wamp

Wasserman	Welch (VT)	Wolf
Schultz	Weller	Woolsey
Waters	Wexler	Wu
Watson	Whitfield	Wynn
Watt	Wicker	Yarmuth
Waxman	Wilson (NM)	Young (AK)
Weiner	Wilson (OH)	Young (FL)

## NAYS—108

Aderholt	Fox	Mica
Akin	Franks (AZ)	Miller (FL)
Bachmann	Frelinghuysen	Miller, Gary
Barrett (SC)	Garrett (NJ)	Moran (KS)
Bartlett (MD)	Gingrey	Musgrave
Barton (TX)	Gohmert	Myrick
Bilirakis	Goode	Paul
Bishop (UT)	Goodlatte	Pearce
Blackburn	Granger	Pence
Blunt	Hall (TX)	Pitts
Bonner	Heller	Poe
Boozman	Hensarling	Price (GA)
Boustany	Herger	Pryce (OH)
Brady (TX)	Hoekstra	Putnam
Brown (SC)	Inglis (SC)	Radanovich
Buchanan	Issa	Rogers (AL)
Burgess	Jindal	Rogers (MI)
Campbell (CA)	Johnson, Sam	Royce
Cannon	Jordan	Ryan (WI)
Cantor	Keller	Sali
Carter	King (IA)	Sensenbrenner
Chabot	Kingston	Sessions
Coble	Kline (MN)	Shadegg
Cole (OK)	Knollenberg	Simpson
Conaway	Lamborn	Smith (TX)
Crenshaw	Latham	Souder
Cubin	Lewis (KY)	Stearns
Culberson	Linder	Sullivan
Davis (KY)	Lucas	Thornberry
Davis, Tom	Lungren, Daniel	Tiahrt
Deal (GA)	E.	Tiberi
Dreier	Mack	Walberg
Duncan	Manzullo	Weldon (FL)
Everett	McCarthy (CA)	Westmoreland
Fallin	McCrery	Wilson (SC)
Flake	McHenry	
Forbes	McKeon	

## NOT VOTING—22

Bachus	Davis, Jo Ann	Marchant
Berman	Doggett	Millender-
Boehner	Emanuel	McDonald
Bono	Eshoo	Moore (WI)
Boren	Feeney	Neugebauer
Calvert	Hayes	Nunes
Camp (MI)	Hunter	Tancredo
Davis, David	Larson (CT)	

□ 1418

Mr. ADERHOLT changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I was not present to cast my votes on rollcall votes 133, 134, and 135 earlier today, March 9, 2007. Had I been present, I would have voted "aye" on the Baker Amendment—rollcall 133, "aye" on the Motion to Recommit—rollcall 134, and "nay" on Final Passage of H.R. 720—rollcall 135.

## PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Friday, March 9, 2007, to vote on rollcall votes Nos. 132, 133, 134, and 135, due to a family medical matter.

Had I been present, I would have voted: "yea" on rollcall vote No. 132 on H. Res. 229, the rule providing for consideration of H.R. 720—Water Quality Financing Act of 2007; "nay" on rollcall vote No. 133, on the amend-

ment to H.R. 720, to strike the Davis-Bacon section of the bill; "yea" on rollcall vote No. 134, on a motion to recommit H.R. 720 with instructions; and "yea" on rollcall vote No. 135, on the final passage of H.R. 720, the Water Quality Financing Act.

## PERSONAL EXPLANATION

Mr. NUNES. Mr. Speaker, on the legislative day of Friday, March 9, 2007, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 132—"nay"; rollcall 133—"aye"; rollcall 134—"aye"; and rollcall 135—"nay."

## APPOINTMENT OF MEMBERS TO SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 202, 110th Congress, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Select Committee on Energy Independence and Global Warming:

Mr. MARKEY, Massachusetts, Chairman

Mr. BLUMENAUER, Oregon  
Mr. INSLEE, Washington  
Mr. LARSON, Connecticut  
Ms. SOLIS, California  
Ms. HERSETH, South Dakota  
Mr. CLEAVER, Missouri  
Mr. HALL, New York  
Mr. MCNERNEY, California  
Mr. SENSENBRENNER, Wisconsin  
Mr. SHADEGG, Arizona  
Mr. WALDEN, Oregon  
Mr. SULLIVAN, Oklahoma  
Mrs. BLACKBURN, Tennessee  
Mrs. MILLER, Michigan

## RESIGNATION AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Transportation and Infrastructure:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 9, 2007.

Dear Madam Speaker, Given my pending appointment to the House Committee on Financial Services, I hereby tender my resignation from the Transportation and Infrastructure Committee.

Sincerely,

KENNY MARCHANT,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. CURTIS, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 342. An act to designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr. United States Courthouse".

H.R. 544. An act to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

H.R. 584. An act to designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the "Lyndon Baines Johnson Department of Education Building".

The message also announced that pursuant to Public Law 101-509, the Chair, on behalf of the Majority Leader, announces the re-appointment of Guy Rocha of Nevada to the Advisory Committee on the Records of Congress.

## LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, I yield to my friend, the majority leader, for the purpose of inquiring about next week's schedule.

Mr. HOYER. I thank the minority whip for yielding. On Monday, the House will meet at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules. There will be no votes, Madam Speaker, on Monday before 6:30 p.m.

On Tuesday, the House will meet at 10:30 a.m. for morning hour business, and noon for legislative business. We will consider additional bills under suspension of the rules, and a complete list of those bills for the week will be announced by the close of business today.

On Wednesday and Thursday, the House will meet at 10 a.m. We will consider several important pieces of open government and accountability legislation from the Oversight and Government Reform Committee: H.R. 1309, the Freedom of Information Act and amendments; H.R. 1255, Presidential Records Act Amendments; H.R. 1254, Presidential Library Donation Reform Act; H.R. 985, Whistleblower Protection Enhancement Act; and H.R. 1362, Accountability in Contracting Act.

Notwithstanding everybody is requesting to meet next Friday, we are not going to do that.

Mr. BLUNT. I thank the gentleman for sticking with his earlier decision on next Friday, in spite of what I am sure must have been the incredible pressure for us to be here next Friday; and we will try to get our work done.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I would yield.

Mr. HOYER. Nobody in the House, other than yourself and Mr. BOEHNER, know that pressure more than I.

Mr. BLUNT. I appreciate the gentleman's view of that, and he is right. I do share it. I would ask the gentleman, on the supplemental that has been described in concept this week, when